

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

Google Inc.,

*Plaintiff,*

v.

Jim Hood, Attorney General of the State of  
Mississippi, in his official capacity,

*Defendant.*

)  
)  
)  
)  
) No. 3:14cv981 HTW-LRA  
)

) **DECLARATION OF PETER G. NEIMAN**  
) **IN SUPPORT OF PLAINTIFF GOOGLE**  
) **INC.'S MOTION TO COMPEL THE**  
) **PRODUCTION OF DOCUMENTS BY**  
) **DEFENDANT JIM HOOD, THE**  
) **ATTORNEY GENERAL OF THE STATE**  
) **OF MISSISSIPPI**  
)  
)

I, Peter G. Neiman, hereby declare as follows:

1. I am a partner of Wilmer Cutler Pickering Hale and Dorr LLP ("WilmerHale"), 7 World Trade Center, 250 Greenwich Street, New York, NY 10007, and counsel for Plaintiff Google Inc. ("Google") in this matter. I submit this declaration in support of Plaintiff Google Inc.'s Motion to Compel the Production of Documents by Defendant Jim Hood, the Attorney General of the State of Mississippi.
2. Attached hereto as Exhibit 1 is a true and accurate copy of Defendant's Responses to Plaintiff's First Set of Requests for Production of Documents and Privilege Log, dated April 15, 2015.
3. Attached hereto as Exhibit 2 is a true and accurate copy of Defendant's First Supplemental Privilege Log for April 15, 2015 Document Production.
4. Attached hereto as Exhibit 3 is a true and accurate redacted copy of a letter, dated June 29, 2012, from Geoffrey C. Morgan, Chief of Staff, Office of the Attorney General of the

State of Mississippi, to Mike Moore of the Mike Moore Law Firm, LLC, as provided by Defendant in response to Google's request.

5. Attached hereto as Exhibit 4 is a true and accurate copy of a New York Times article by Nick Wingfield and Eric Lipton, entitled "Google's Detractors Take Their Fight to the States," dated December 16, 2014, *available at* <http://www.nytimes.com/2014/12/17/technology/googles-critics-enlist-state-attorneys-general-in-their-fight.html>.

6. Attached hereto as Exhibit 5 is a true and accurate copy of an Ars Technica article by Joe Mullin, entitled "Hollywood v. Goliath: Inside the aggressive studio effort to bring Google to heel," dated December 19, 2014, *available at* <http://arstechnica.com/tech-policy/2014/12/how-hollywood-spurned-by-congress-pressures-states-to-attack-google/>.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

Executed on April 22, 2015, in New York, New York.



---

Peter G. Neiman

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

CIVIL LITIGATION DIVISION

April 15, 2015

Fred Krutz , III  
Daniel J. Mulholland  
FORMAN, PERRY, WATKINS, KRUTZ & TARDY, LLP  
P.O. Box 22608  
200 S. Lamar Street, Suite 100 (39201-4099)  
Jackson, MS 39225-2608

**Re: Google, Inc. v. Jim Hood;** USDC of the Southern District of Mississippi,  
Case No. 3:14-CV-981-HTW-LRA

Dear Mr. Krutz:

Enclosed please find a copy of Defendant's *Response to Plaintiff's First Request for Production of Document and Privilege Log*, along with the *Notice of Service* filed with the Court today via ECF, with regard to the above-referenced matter.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Brenda B. Myers".

Brenda B. Myers  
Assistant to DOUGLAS T. MIRACLE  
Special Assistant Attorney General

/bbm

Enclosures

cc: David H. Kramer – PHV (w/encl.)  
Blake C. Roberts - PHV (w/encl.)  
Jamie S. Gorelick - PHV (w/encl.)  
Patrick J. Carome - PHV (w/encl.)  
Peter Neiman - PHV (w/encl.)  
Violetta G. Watson - PHV (w/encl.)

**IN UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**GOOGLE, INC.**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 3:14cv981-HTW-LRA**

**JIM HOOD, ATTORNEY GENERAL  
OF THE STATE OF MISSISSIPPI,  
IN HIS OFFICIAL CAPACITY**

**DEFENDANT**

**NOTICE OF SERVICE**

**TO: ALL COUNSEL OF RECORD**

PLEASE TAKE NOTICE that Jim Hood, in his official capacity as Attorney General of the State of Mississippi, has this day served a true and correct copy of

**RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND PRIVILEGE LOG**

upon counsel of record for Plaintiff Google, Inc.

The undersigned retains the original(s) of the above paper(s) as custodian thereof.

**RESPECTFULLY SUBMITTED**, this the 15th day of April, 2015.

**JIM HOOD, ATTORNEY GENERAL FOR THE  
STATE OF MISSISSIPPI, in his official capacity**

**BY: JIM HOOD, ATTORNEY GENERAL  
STATE OF MISSISSIPPI**

**BY: /s/ Krissy C. Nobile  
KRISSEY CASEY NOBILE, MSB # 103577  
SPECIAL ASSISTANT ATTORNEY GENERAL**

STATE OF MISSISSIPPI  
OFFICE OF THE ATTORNEY GENERAL  
BRIDGETTE W. WIGGINS (MSB # 9676)  
SPECIAL ASSISTANT ATTORNEY GENERAL  
DOUGLAS T. MIRACLE (MSB # 9648)  
SPECIAL ASSISTANT ATTORNEY GENERAL  
Post Office Box 220  
Jackson, MS 39205  
Telephone No. (601)359-3824  
[knobi@ago.state.ms.us](mailto:knobi@ago.state.ms.us)  
[bwill@ago.state.ms.us](mailto:bwill@ago.state.ms.us)  
[dmira@ago.state.ms.us](mailto:dmira@ago.state.ms.us)

**CERTIFICATE OF SERVICE**

This is to certify that on this day I, Krissy C. Nobile, Special Assistant Attorney General for the State of Mississippi, do hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following counsel of record:

Daniel J. Mulholland  
FORMAN, PERRY, WATKINS, KRUTZ & TARDY, LLP  
P.O. Box 22608  
200 S. Lamar Street, Suite 100 (39201-4099)  
Jackson, MS 39225-2608  
601/960-8600  
Fax: 601/960-8613  
Email: [mulhollanddj@fpwk.com](mailto:mulhollanddj@fpwk.com)

Fred Krutz , III  
FORMAN, PERRY, WATKINS, KRUTZ & TARDY  
P.O. Box 22608  
Jackson, MS 39225-2608  
(601) 960-8600  
Email: [fred@fpwk.com](mailto:fred@fpwk.com)

David H. Kramer - PHV  
WILSON, SONSINI, GOODRICH & ROSATI, PC  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
650/493-9300  
Fax: 650/565-5100  
Email: [dkramer@wsgr.com](mailto:dkramer@wsgr.com)

Blake C. Roberts - PHV  
WILMER, CUTLER, PICKERING, HALE & DORR, LLP  
1801 Pennsylvania Avenue, NW  
Washington, DC 20006  
202/663-6920  
Fax: 202/663-6363  
Email: [blake.roberts@wilmerhale.com](mailto:blake.roberts@wilmerhale.com)

Jamie S. Gorelick - PHV  
WILMER, CUTLER, PICKERING, HALE & DORR, LLP  
1801 Pennsylvania Avenue, NW  
Washington, DC 20006  
202/663-6500

Fax: 202/663-6363

Email: [jamie.gorelock@wilmerhale.com](mailto:jamie.gorelock@wilmerhale.com)

Patrick J. Carome - PHV

WILMER, CUTLER, PICKERING, HALE AND DORR, LLP

1875 Pennsylvania Avenue, NW

Washington, DC 20006

202/663-6610

Fax: 202/663-6363

Email: [patrick.carome@wilmerhale.com](mailto:patrick.carome@wilmerhale.com)

Peter Neiman - PHV

WILMER, CUTLER, PICKERING, HALE AND DORR, LLP

7 World Trade Center

250 Greenwich Street

New York, NY 10007

212/295-6487

Fax: 212/230-8888

Email: [peter.neiman@wilmerhale.com](mailto:peter.neiman@wilmerhale.com)

Violetta G. Watson - PHV

WILMER, CUTLER, PICKERING, HALE AND DORR, LLP

7 World Trade Center

250 Greenwich Street

New York, NY 10007

212/230-8800

Fax: 212/230-8888

Email: [violetta.watson@wilmerhale.com](mailto:violetta.watson@wilmerhale.com)

THIS, the 15th day of April, 2015.

/s/Krissy C. Nobile

KRISSY CASEY NOBILE

**IN UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**GOOGLE, INC.**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 3:14cv981-HTW-LRA**

**JIM HOOD, ATTORNEY GENERAL  
OF THE STATE OF MISSISSIPPI,  
IN HIS OFFICIAL CAPACITY**

**DEFENDANT**

**RESPONSES TO PLAINTIFF'S FIRST  
SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

**COMES NOW**, Jim Hood, Attorney General for the State of Mississippi ("Attorney General") and hereby responds to Plaintiff's First Set of Requests for Production of Documents. The Attorney General reserves the right to supplement these objections and answers as further review and investigation may warrant.

**REQUESTS FOR PRODUCTION**

**REQUESTS FOR DOCUMENTS NO. 1:** Any draft subpoenas provided to the Attorney General by the third parties identified in Google's request.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:** The Attorney General objects to this Request on the grounds that it is overly broad in both time and scope, is not reasonably calculated to lead to the discovery of admissible evidence, and seeks information protected by the attorney client privilege and/or the work product doctrine. Please see the attached privilege log.

**REQUEST FOR DOCUMENTS NO. 2:** Attorney General Hood's November 13, 2013 email to Vans Stevenson, and any replies or responses thereto.



**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:** There are no documents responsive to this request for an email dated November 13, 2013. Based upon information and good-faith belief due to the description of the request, please see the attached email and response dated November 27, 2013, which is bates labeled as D000001-D000003. The redacted portions of document D00001-D00003 either are non-responsive to the request or are protected by the attorney-client privilege, as noted on the attached privilege log.

**REQUEST FOR DOCUMENTS NO. 3:** Attorney General Hood's August 28, 2014 letter to the Attorneys General in all 50 states regarding setting up a working group.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:** The Attorney General objects to this Request on the grounds that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence, and it seeks information protected by the work product doctrine and/or the common interest doctrine. Without waiving said objections, please see redacted letters attached hereto and bates labeled as D000004-000065. The redacted portions of these letters are protected by the work product doctrine and/or the common interest doctrine, as noted on the attached privilege log.

**REQUEST FOR DOCUMENTS NO. 4:** The Word files listed in item (6) of Google's January 14, 2015 request ("Google can take action" "Google must change its behavior" "Google's illegal conduct" "CDA"), and any emails from the third parties attaching those word files.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:** The Attorney General objects to this Request on the grounds that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence, and it seeks information protected by the work product doctrine. Please see the attached privilege log.

**REQUEST FOR DOCUMENTS NO. 5:** Any documents already gathered in connection with the Techdirt Mississippi Public Records Act request that are responsive to Google's requests.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:** There are no documents responsive to this request.

THIS, the 15th day of April, 2015.

**JIM HOOD, ATTORNEY GENERAL FOR THE  
STATE OF MISSISSIPPI, in his official capacity**

**BY: JIM HOOD, ATTORNEY GENERAL  
STATE OF MISSISSIPPI**

**BY: */s/ Krissy C. Nobile*  
KRISSEY CASEY NOBILE, MSB # 103577  
SPECIAL ASSISTANT ATTORNEY GENERAL**

STATE OF MISSISSIPPI  
OFFICE OF THE ATTORNEY GENERAL  
BRIDGETTE W. WIGGINS (MSB # 9676)  
SPECIAL ASSISTANT ATTORNEY GENERAL  
DOUGLAS T. MIRACLE (MSB # 9648)  
SPECIAL ASSISTANT ATTORNEY GENERAL  
Post Office Box 220  
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Telephone No. (601)359-3824  
[knobi@ago.state.ms.us](mailto:knobi@ago.state.ms.us)  
[bwill@ago.state.ms.us](mailto:bwill@ago.state.ms.us)  
[dmira@ago.state.ms.us](mailto:dmira@ago.state.ms.us)

**CERTIFICATE OF SERVICE**

This is to certify that on this day I, Krissy C. Nobile, Special Assistant Attorney General for the State of Mississippi, do hereby certify that I have this date emailed and mailed through the United States Postal Service, postage prepaid, a true and correct copy of the above and foregoing to counsel of record:

Daniel J. Mulholland  
FORMAN, PERRY, WATKINS, KRUTZ & TARDY, LLP  
P.O. Box 22608  
200 S. Lamar Street, Suite 100 (39201-4099)  
Jackson, MS 39225-2608  
601/960-8600  
Fax: 601/960-8613  
Email: [mulhollanddj@fpwk.com](mailto:mulhollanddj@fpwk.com)

Fred Krutz , III  
FORMAN, PERRY, WATKINS, KRUTZ & TARDY  
P.O. Box 22608  
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(601) 960-8600  
Email: [fred@fpwk.com](mailto:fred@fpwk.com)

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Violetta G. Watson - PHV

WILMER, CUTLER, PICKERING, HALE AND DORR, LLP

7 World Trade Center

250 Greenwich Street

New York, NY 10007

212/230-8800

Fax: 212/230-8888

Email: [violetta.watson@wilmerhale.com](mailto:violetta.watson@wilmerhale.com)

THIS, the 15th day of April, 2015.

/s/Krissy C. Nobile

KRISSY CASEY NOBILE

**IN UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**GOOGLE, INC.****PLAINTIFF****v.****CIVIL ACTION NO. 3:14cv981-HTW-LRA**

**JIM HOOD, ATTORNEY GENERAL  
OF THE STATE OF MISSISSIPPI,  
IN HIS OFFICIAL CAPACITY**

**DEFENDANT**

**PRIVILEGE LOG**

<b>Name</b>	<b>Description</b>	<b>Date(s)</b>	<b>Author(s)</b>	<b>Recipient(s)</b>	<b>Privilege(s)</b>
PL000001- PL000067	Draft Subpoena (Request No. 1)	On or about Oct. 17, 2014 <sup>1</sup>		From Mike Moore Law Firm to Office of the Mississippi Attorney General	Attorney-Client  Work Product
PL000075- PL000119	Draft Subpoena (Request No. 1)	On or about Sept. 11, 2014 <sup>2</sup>		From Mike Moore Law Firm to Office of the Mississippi Attorney General	Attorney-Client  Work Product
PL000068- PL000074	Draft CID (Request No. 1)	On or about Nov. 26, 2013 <sup>3</sup>		From Orrick to Office of the Mississippi Attorney General	Work Product
PL00012- PL000166	Draft CID (Request No. 1)	On or about April 22, 2014 <sup>4</sup>		From Orrick to Office of the Mississippi Attorney General	Work Product
PL000167- PL000176	Draft Subpoena (Request No. 1)	On or about April 3, 2012 <sup>5</sup>		From Mike Moore Law Firm to Office of the Mississippi Attorney General	Attorney-Client  Work Product
D000001	Email (Forward email from Attorney	Nov. 27, 2013	Attorney General Hood	From Attorney General Hood to the Mike Moore Law	Attorney-Client

<sup>1</sup> This date indicates the approximate date of receipt.

<sup>2</sup> This date indicates the approximate date of receipt.

<sup>3</sup> This date indicates the approximate date of receipt.

<sup>4</sup> This date indicates the approximate date of receipt.

<sup>5</sup> This date indicates the approximate date of receipt.

	General Hood, which has been redacted) (Request No. 2)			Firm and Special Assistant Attorneys General with the Office of the Mississippi Attorney General	
D000004-D000065	Redacted Portion of Letters from Attorney General Hood (Request No. 3)	August 28, 2014	Attorney General Hood	Attorneys General in Other States	Work Product  Common Interest Doctrine
PL000202-PL000222	Email with Legal Memoranda (Request No. 4)	On or about January 14, 2014 <sup>6</sup>		From Orrick to Special Assistant Attorney General with the Office of the Mississippi Attorney General	Work Product
PL000223-PL000245	Email with Legal Memoranda (Request No. 4)	On or about January 9, 2014 <sup>7</sup>		From Jenner & Block to Special Assistant Attorney General with the Office of the Mississippi Attorney General	Work Product
PL000177-PL000201	Email with Legal Memoranda (Request No. 4)	On or about January 9, 2014 <sup>8</sup>		From Jenner & Block to Special Assistant Attorney General with the Office of the Mississippi Attorney General	Work Product

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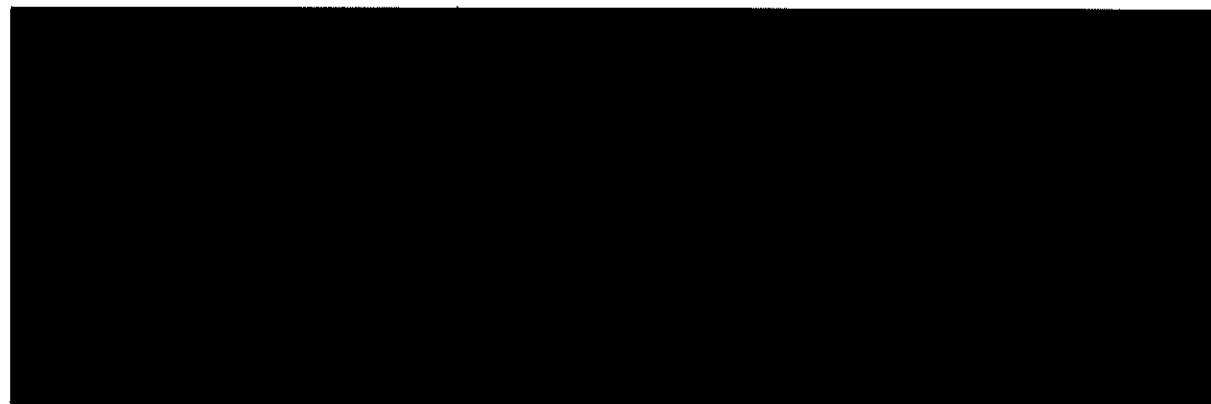
<sup>6</sup> This date indicates the approximate date of receipt.

<sup>7</sup> This date indicates the approximate date of receipt.

<sup>8</sup> This date indicates the approximate date of receipt.

Print

Close



**From:** <[vans\\_stevenson@Mpaa.org](mailto:vans_stevenson@Mpaa.org)>  
**Date:** November 27, 2013 at 1:21:12 PM CST  
**To:** <[jimhoodag@hotmail.com](mailto:jimhoodag@hotmail.com)>  
**Subject:** Re: Google and isoHunt...

Jim-

Thanks for the heads-up...too bad Google's GC doesn't get it. I'll make sure Tom Perrelli is at the meeting Mike Moore is organizing in NO, or consults with you directly on next steps, CID, etc. I'll reach out to Melanie for a copy of the letter.

I have to be in Hartford next week at the same time as NAAG...Brian will be there, but as I'm sure you'll agree Perrelli is key to your next steps.

Happy Thanksgiving as well to you and your family!

All the best,

Vans

Sent from my iPad

On Nov 27, 2013, at 1:58 PM, "jim" <[jimhoodag@hotmail.com](mailto:jimhoodag@hotmail.com)> wrote:

Vans,

My conversation with Google's general counsel did not go well. I just sent him a letter yesterday characterizing our telephone conversation as a

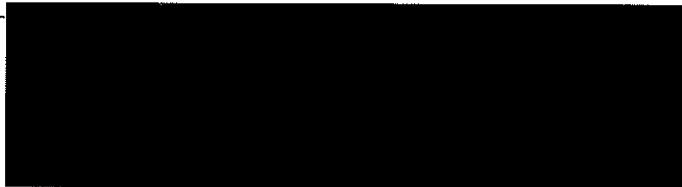
D000001

meeting would not be fruitful. Mike Moore is trying to get together a meeting in New Orleans during which we can all discuss the next move.

My letter is based upon the one Tom Perrelli drafted. If you want to see a copy, contact my assistant Melanie Webb.

I hope you have a Happy Thanksgiving!

Jim





[REDACTED]

[REDACTED]

[REDACTED]

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Luther Strange  
Alabama Attorney General  
500 Dexter Avenue  
Montgomery, AL 36103

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

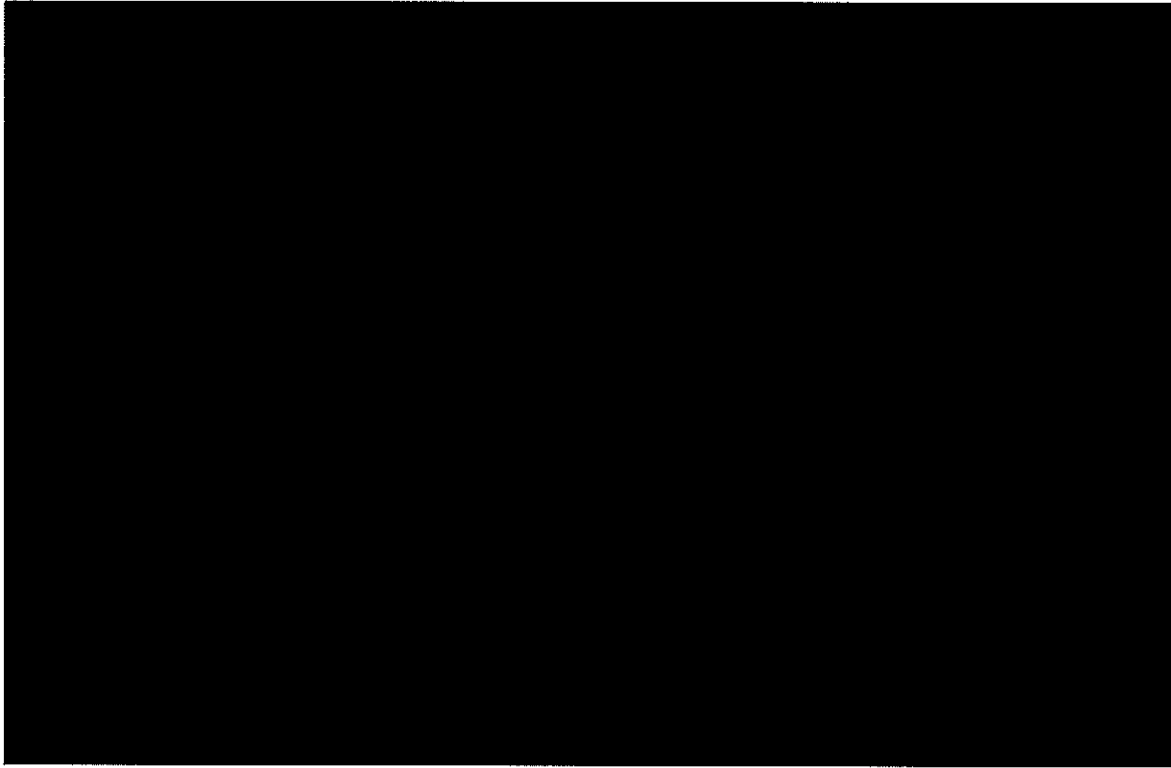
Dear General Strange:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

YouTube provides selected "power" users basic information about what YouTube deems improper and then gives them access to the bulk flagger portion of the website for videos that may contain content that would be in violation of YouTube's policies. Trusted flaggers then tag (or flag) the content they feel meets that criteria. Once the suspicious videos are flagged by trusted flaggers, then the YouTube enforcement team reviews the video and assesses whether or not it violates YouTube's terms.

Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in black ink, appearing to read "Jim Hood", is written over the typed name.

Jim Hood  
Attorney General

D000005

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Dustin McDaniel  
Arkansas Attorney General  
323 Center Street  
Little Rock, AR 72201-2610

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

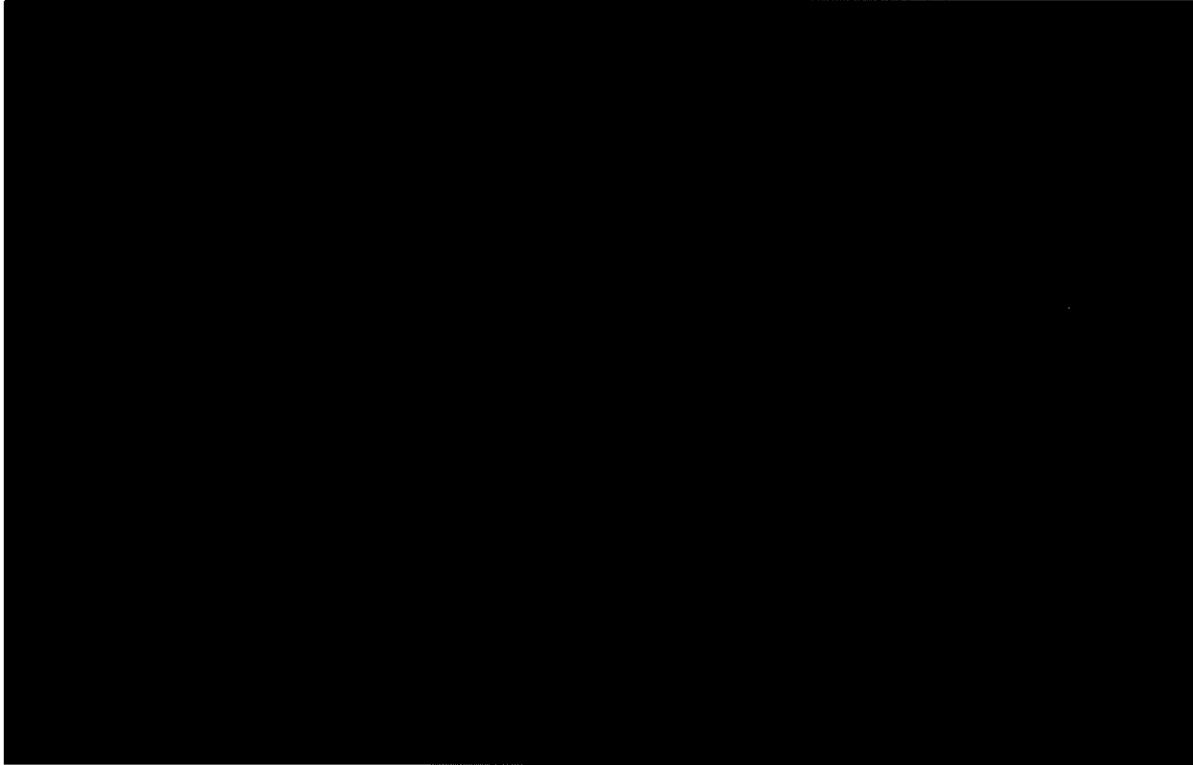
Dear General McDaniel:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in black ink, appearing to read "Jim Hood", is written over the printed name.

Jim Hood  
Attorney General

D000007

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable John W. Suthers  
Colorado Attorney General  
1525 Sherman Street, 5th Floor  
Denver, CO 80203

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

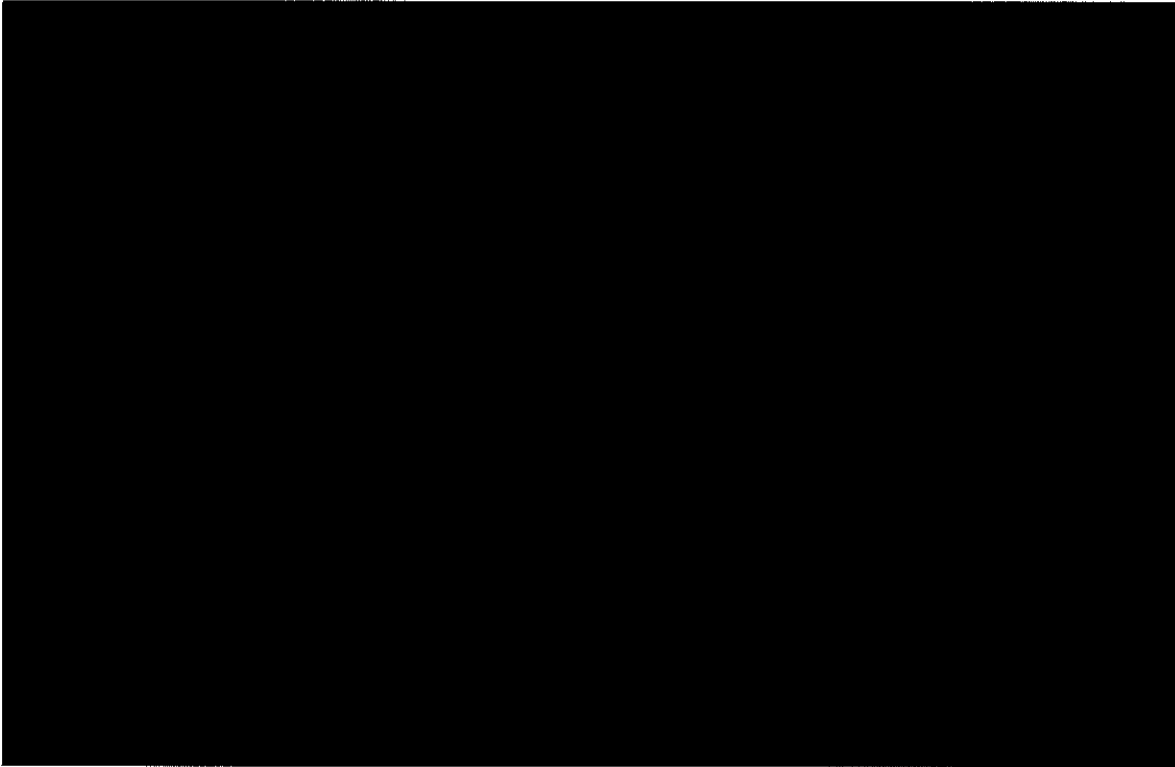
Dear General Suthers:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in black ink, appearing to read "Jim Hood".

Jim Hood  
Attorney General

D000009

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable George Jepsen  
Connecticut Attorney General  
Post Office Box 120  
Hartford, CT 06141-0120

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

Dear General Jepsen:

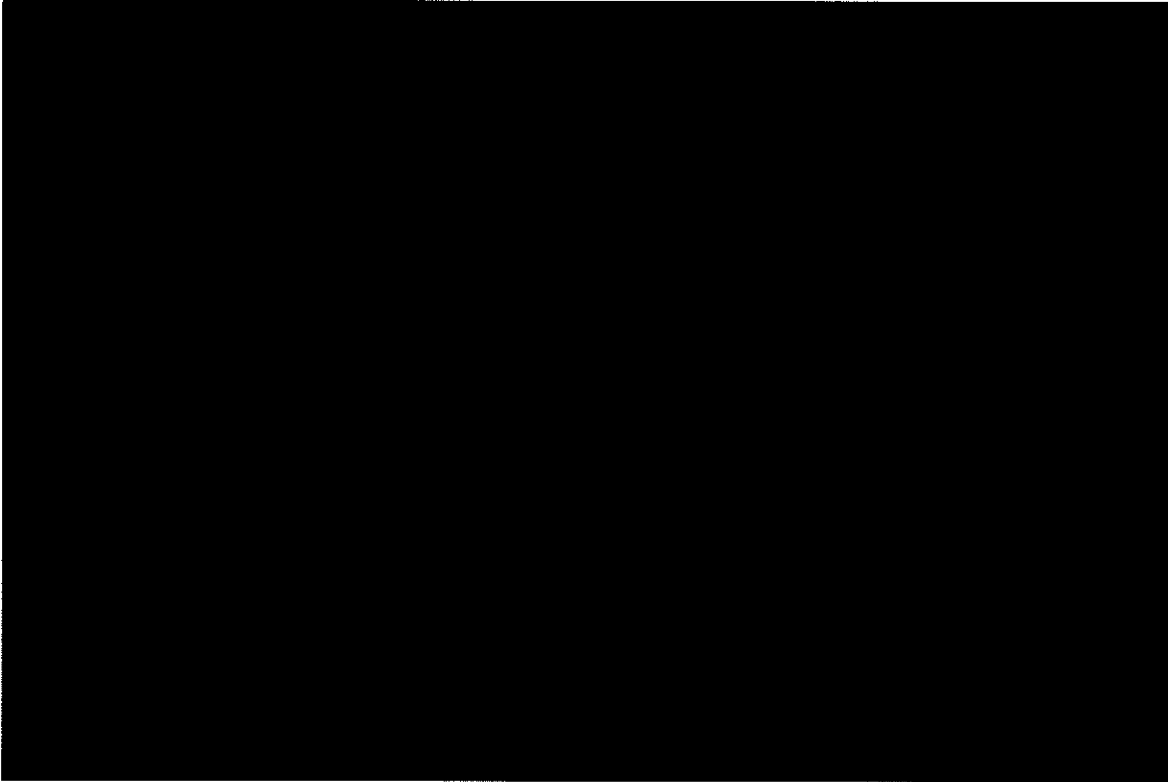
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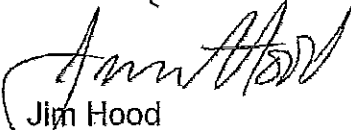
Based on our review, [REDACTED]

[REDACTED]





Sincerely yours,

  
Jim Hood  
Attorney General

D000011

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Pamela Jo Bondi  
Florida Attorney General  
The Capitol, PL-01  
Tallahassee, FL 32399-1050

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

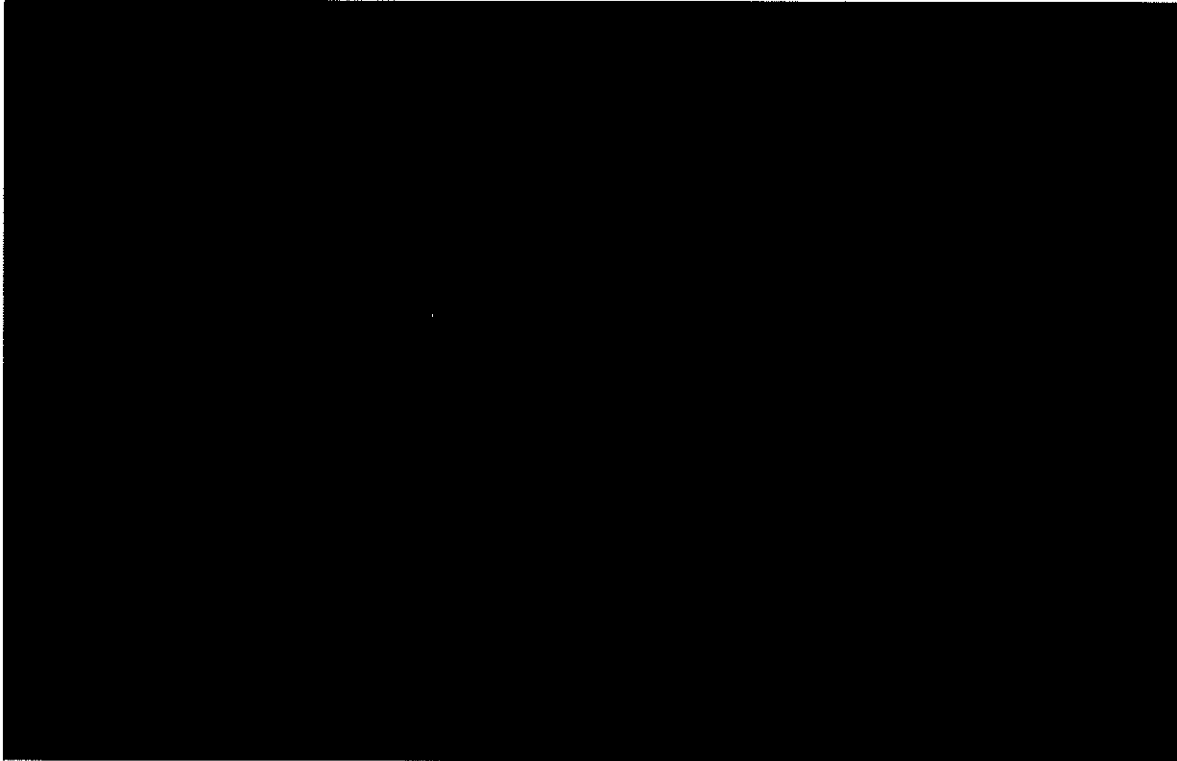
Dear General Bondi:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

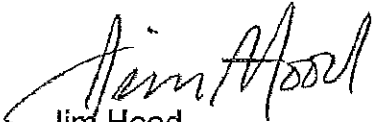
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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

  
Jim Hood  
Attorney General

D000013

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Sam E. Olens  
Georgia Attorney General  
40 Capitol Square, SW  
Atlanta, GA 30334

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

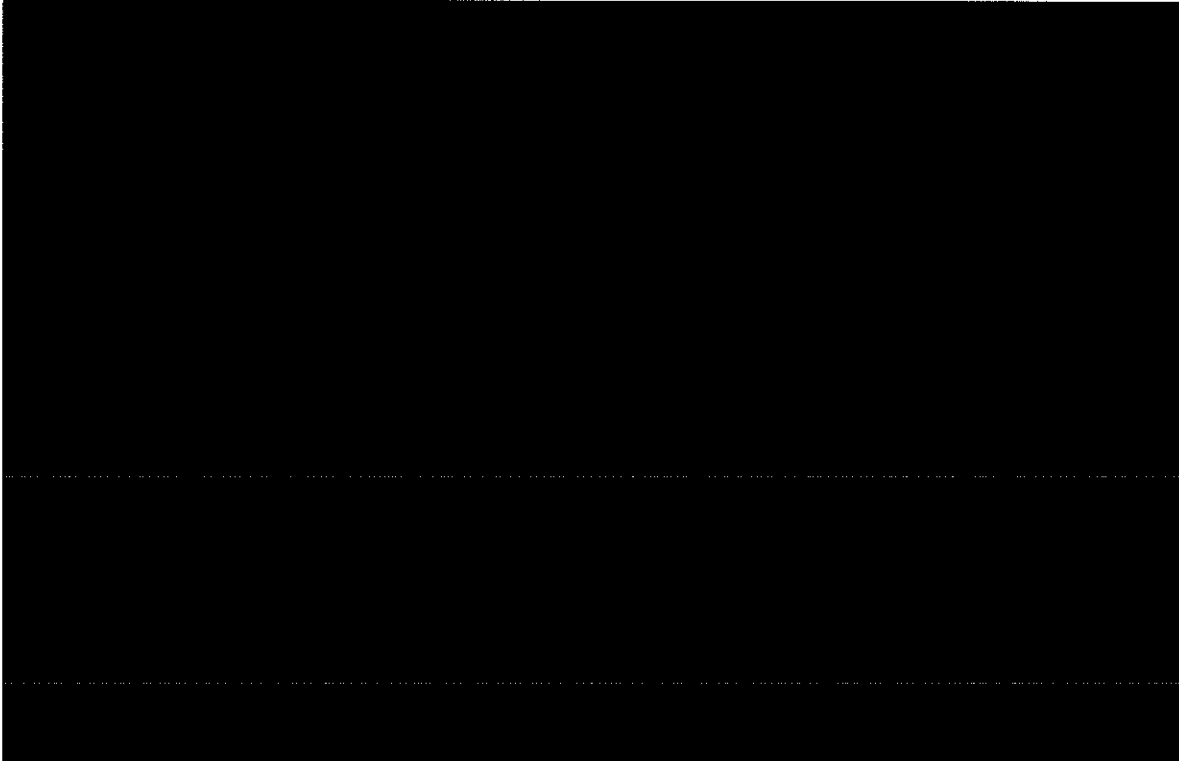
Dear General Olens:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in black ink, which appears to read "Jim Hood", is written over the typed name.

Jim Hood  
Attorney General

D000015

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable David J. Louie  
Hawaii Attorney General  
425 Queen Street  
Honolulu, HI 96813

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

Dear General Louie:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in black ink, appearing to read "Jim Hood". The signature is fluid and cursive, with the first name "Jim" and last name "Hood" clearly distinguishable.

Jim Hood  
Attorney General

D000017

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Tom J. Miller  
Iowa Attorney General  
1305 E. Walnut, 2nd Floor  
Des Moines, IA 50319

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

Dear General Miller:

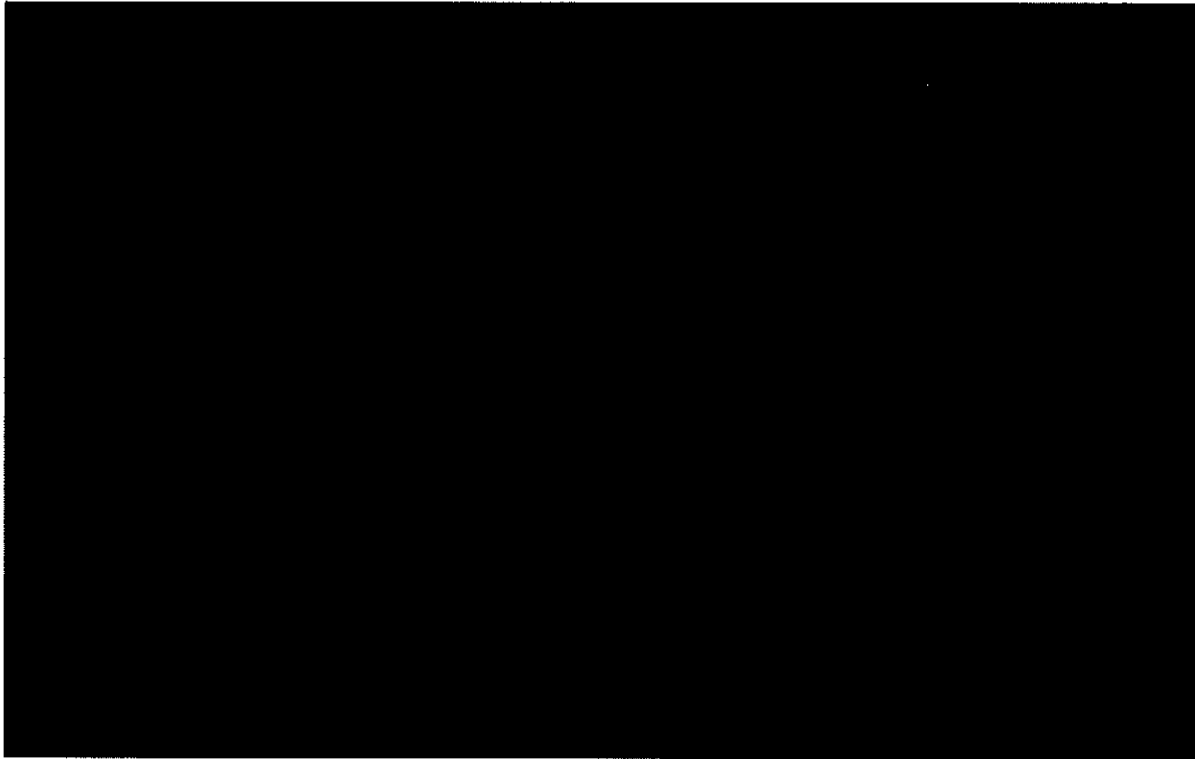
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Based on our review, [REDACTED]

[REDACTED]





Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim Hood".

Jim Hood  
Attorney General

D000019

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Lisa Madigan  
Illinois Attorney General  
100 W. Randolph Street  
Chicago, IL 60601

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

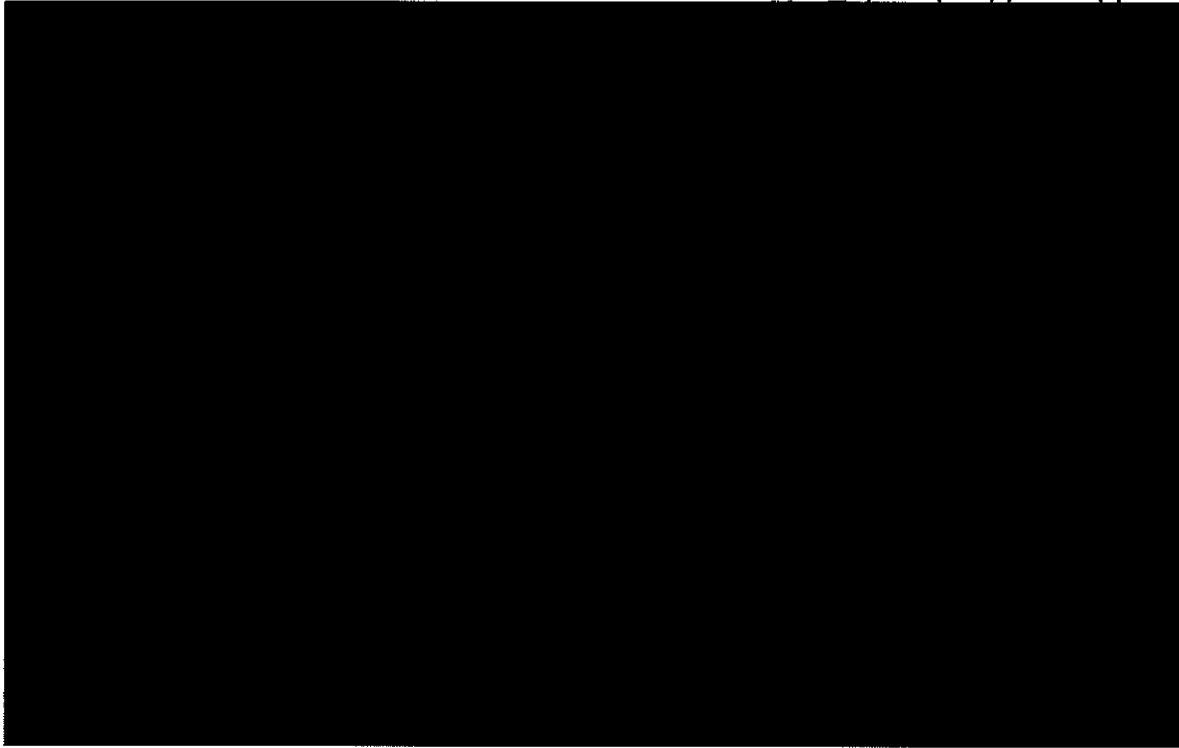
Dear General Madigan:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

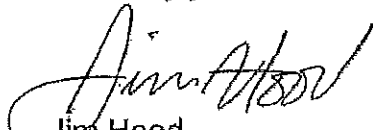
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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

  
Jim Hood  
Attorney General

D000021

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable James D. Caldwell  
Louisiana Attorney General  
Post Office 94005  
Baton Rouge, LA 70804-4095

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

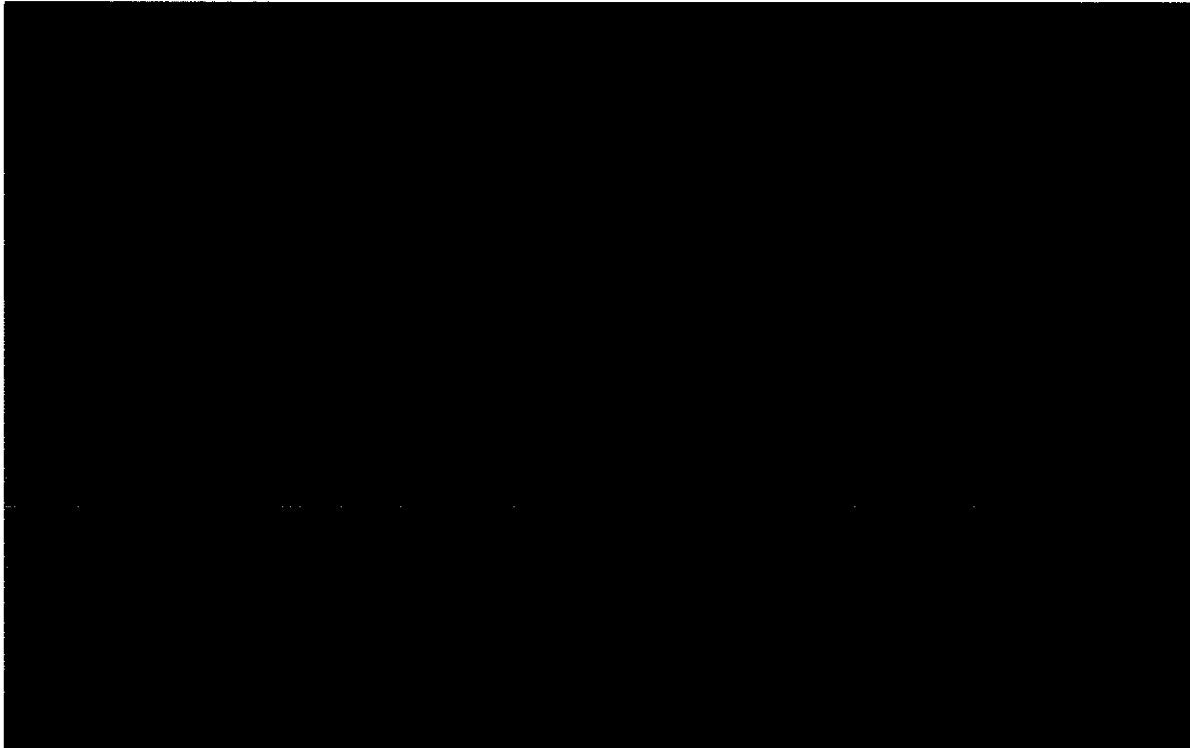
Dear General Caldwell:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in cursive script that reads "Jim Hood".

Jim Hood  
Attorney General

D000023

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Douglas Gansler  
Maryland Attorney General  
200 St. Paul Place  
Baltimore, MD 21202-2202

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

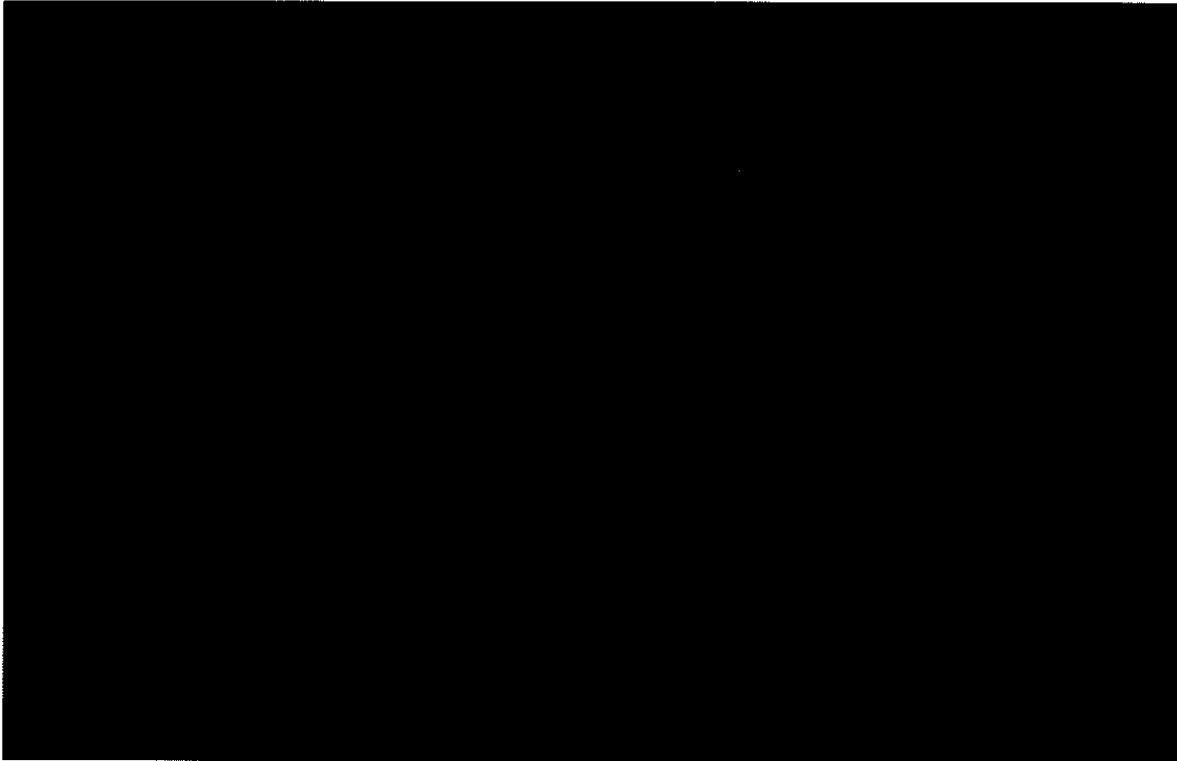
Dear General Gansler:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in black ink, appearing to read "Jim Hood", is written over the typed name.

Jim Hood  
Attorney General

D000025

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Martha Coakley  
Massachusetts Attorney General  
One Ashburton Place  
Boston, MA 02108-1698

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

Dear General Coakley:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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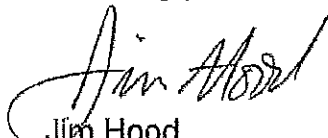
Based on our review, [REDACTED]

[REDACTED]





Sincerely yours,

  
Jim Hood  
Attorney General

D000027

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable William Schutte  
Michigan Attorney General  
P. O. Box 30212  
Lansing, MI 48909-0212

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

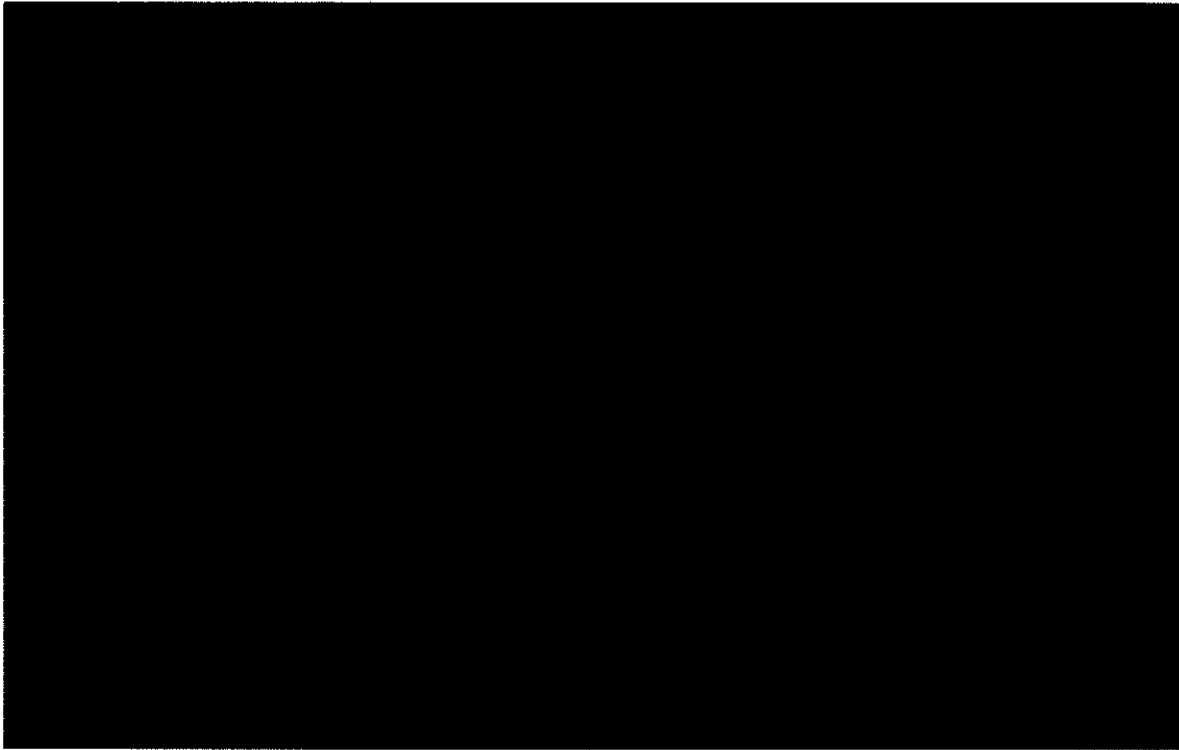
Dear General Schutte:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

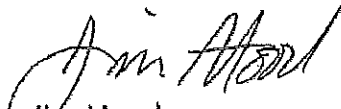
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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,



Handwritten signature of Jim Hood in cursive script.

Jim Hood  
Attorney General

D000029

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Jon Bruning  
Nebraska Attorney General  
2115 State Capitol  
Lincoln, NE 68509-8920

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

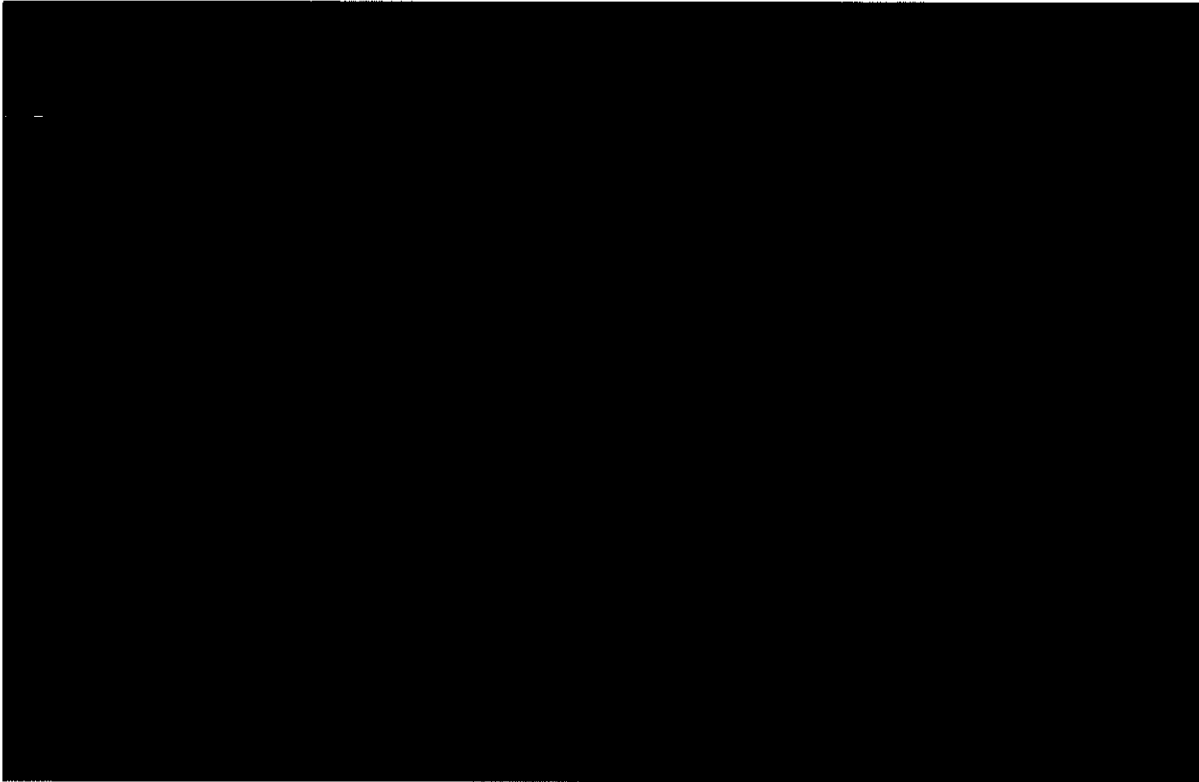
Dear General Bruning:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in black ink, appearing to read "Jim Hood", is written over the typed name.

Jim Hood  
Attorney General

D000031

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Gary King  
New Mexico Attorney General  
Post Office Drawer 1508  
Santa Fe, NM 87505

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

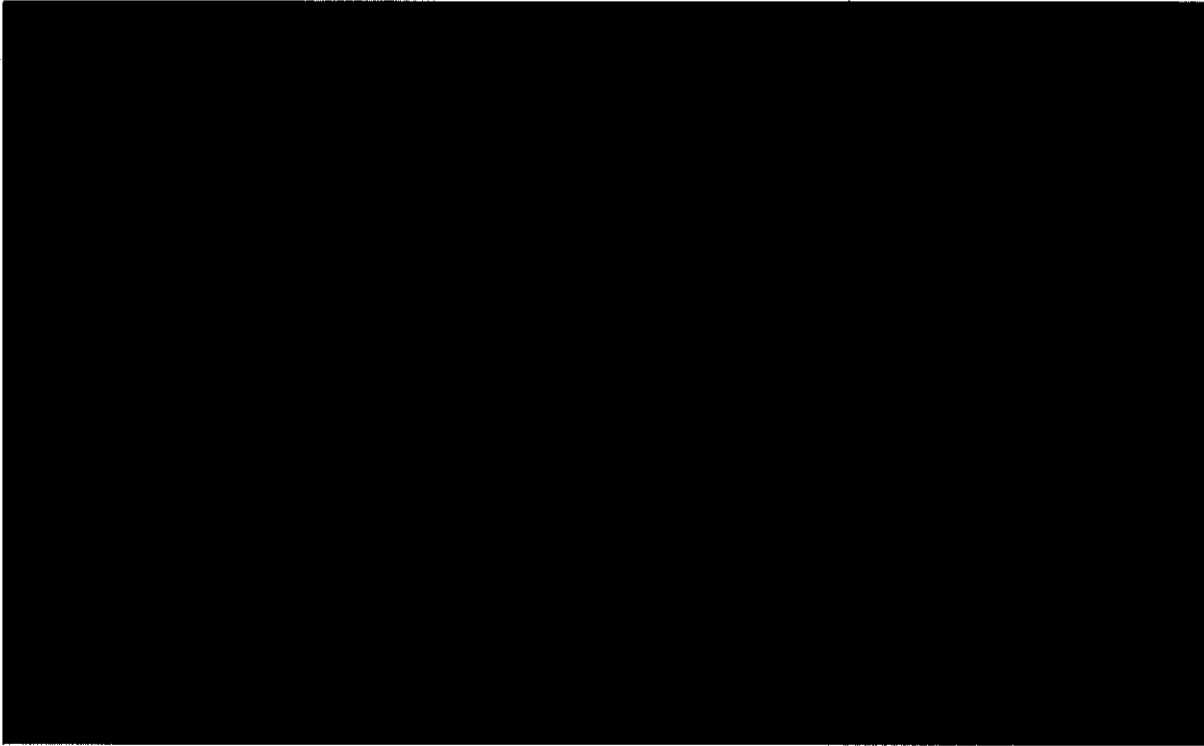
Dear General King:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim Hood", is written over the typed name.

Jim Hood  
Attorney General

D000033

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Catherine Cortez Masto  
Nevada Attorney General  
100 N. Carson Street  
Carson City, NV 89710-4717

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

Dear General Masto:

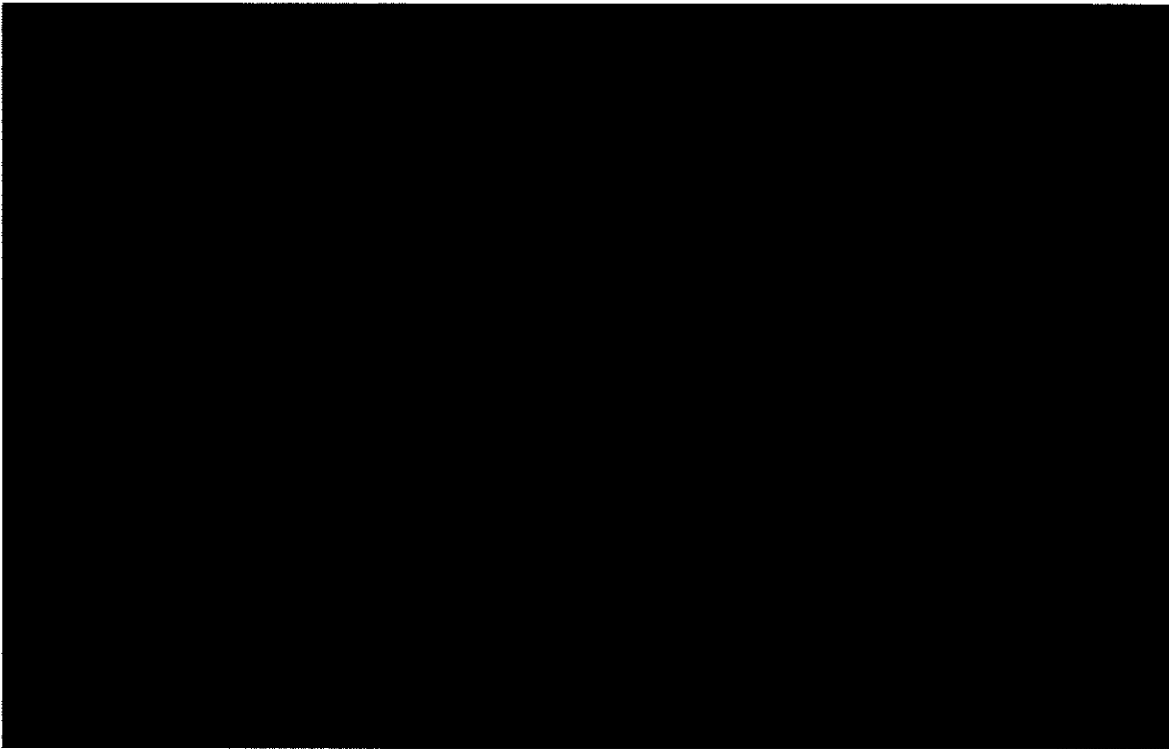
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Based on our review, [REDACTED]

[REDACTED]





Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim Hood".

Jim Hood  
Attorney General

D000035

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Eric M. Schneiderman  
New York Attorney General  
120 Broadway, Suite 26 C  
New York, NY 10271

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

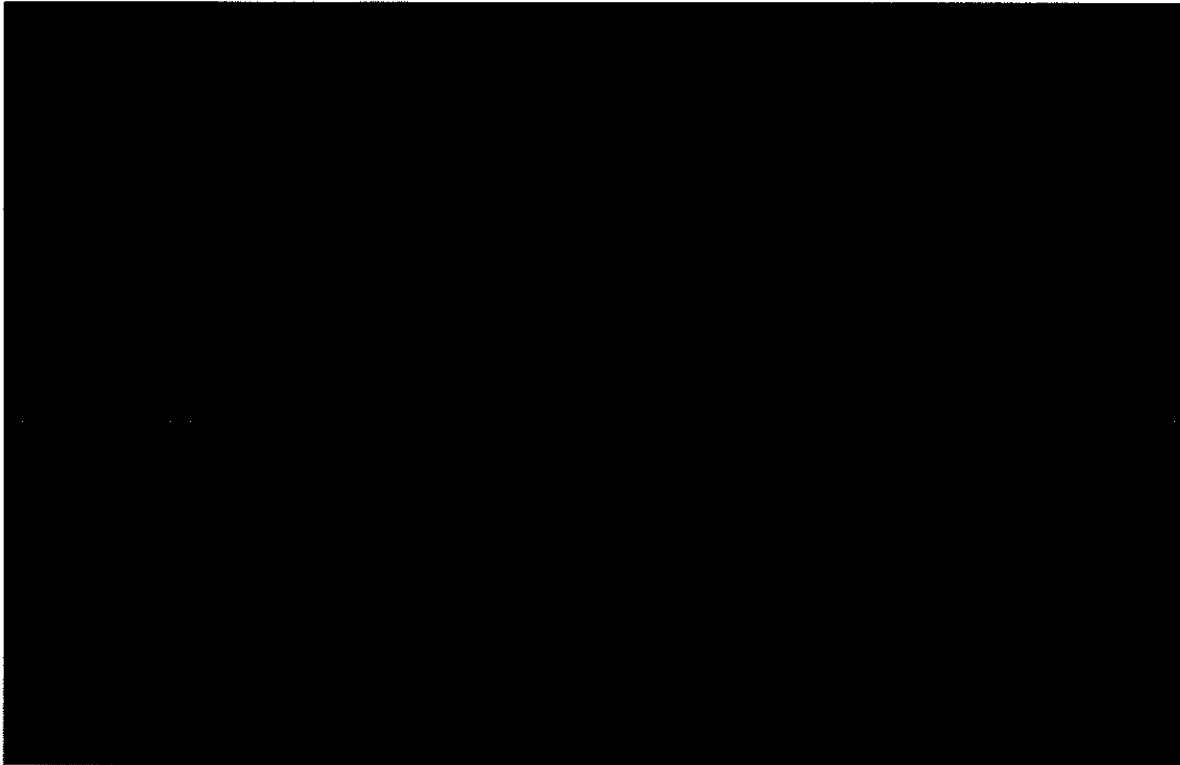
Dear General Schneiderman:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.


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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

  
Jim Hood  
Attorney General

D000037

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Mike DeWine  
Ohio Attorney General  
150 East Gay Street, 20th Floor  
Columbus, OH 43215-3428

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

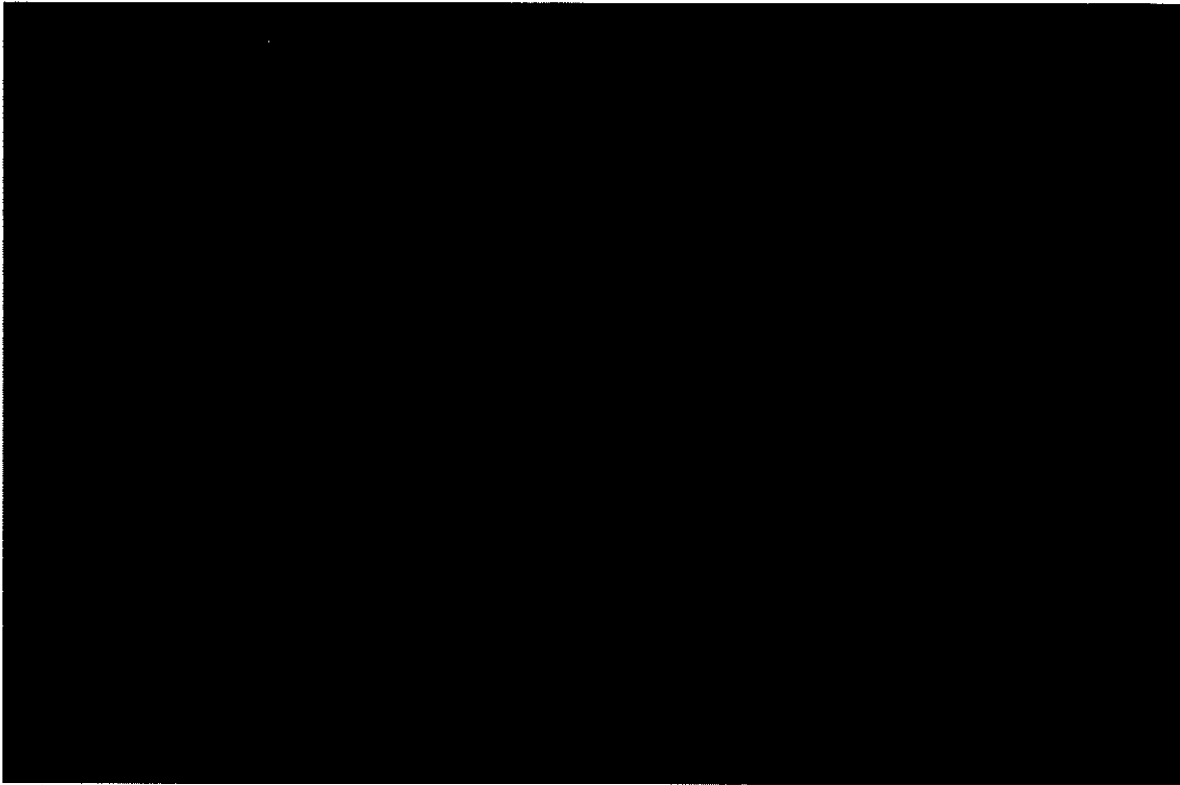
Dear General DeWine:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

*Jim Hood*

Jim Hood  
Attorney General

D000039

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Scott Pruitt  
Oklahoma Attorney General  
313 NE 21st Street  
Oklahoma City, OK 73105

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

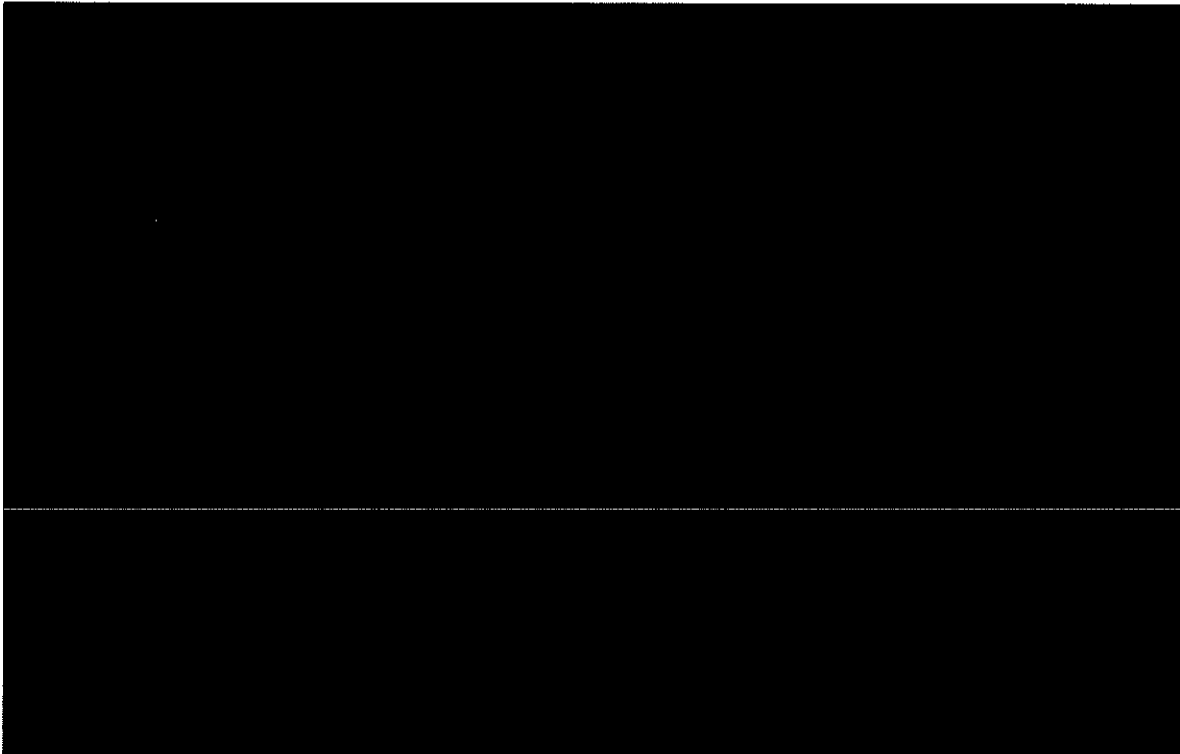
Dear General Pruitt:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in black ink that appears to read "Jim Hood". The signature is fluid and cursive.

Jim Hood  
Attorney General

D000041

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Ellen Rosenblum  
Oregon Attorney General  
1162 Court Street NE  
Salem, OR 97301

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

Dear General Rosenblum:

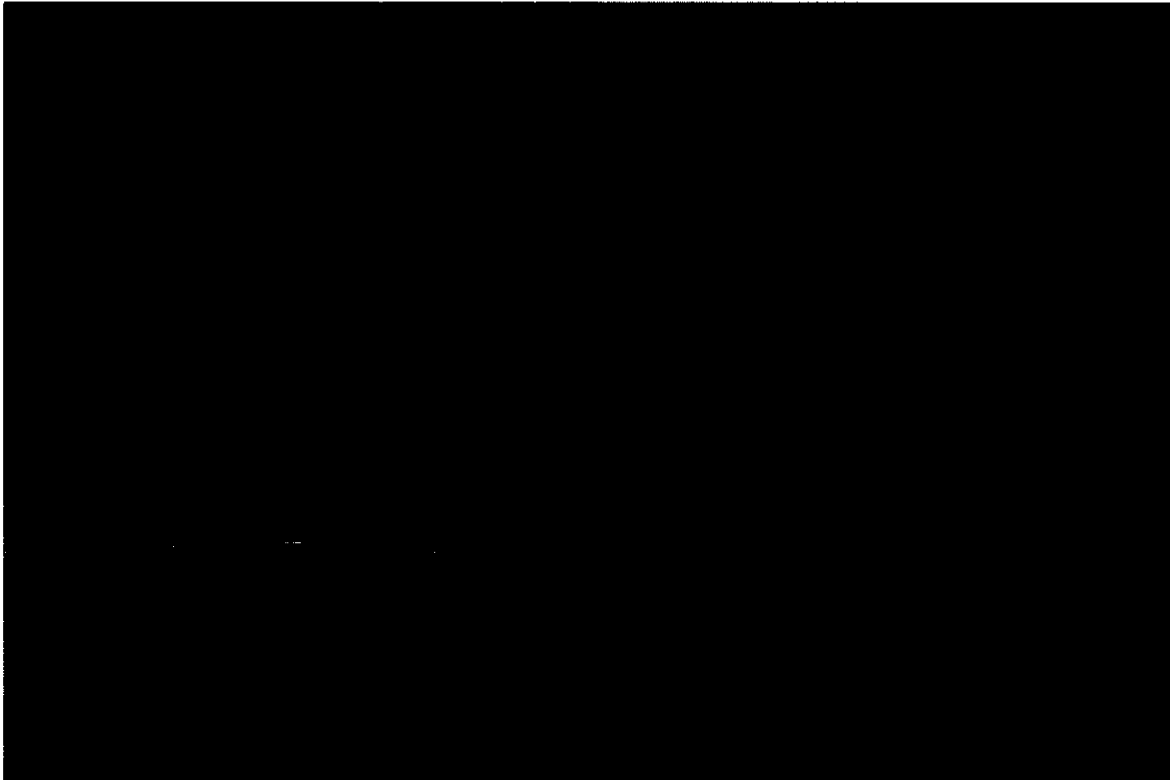
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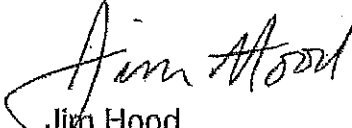
Based on our review, [REDACTED]

[REDACTED]





Sincerely yours,

  
Jim Hood  
Attorney General

D000043

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Kathleen Kane  
Pennsylvania Attorney General  
1600 Strawberry Square  
Harrisburg, PA 17120

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

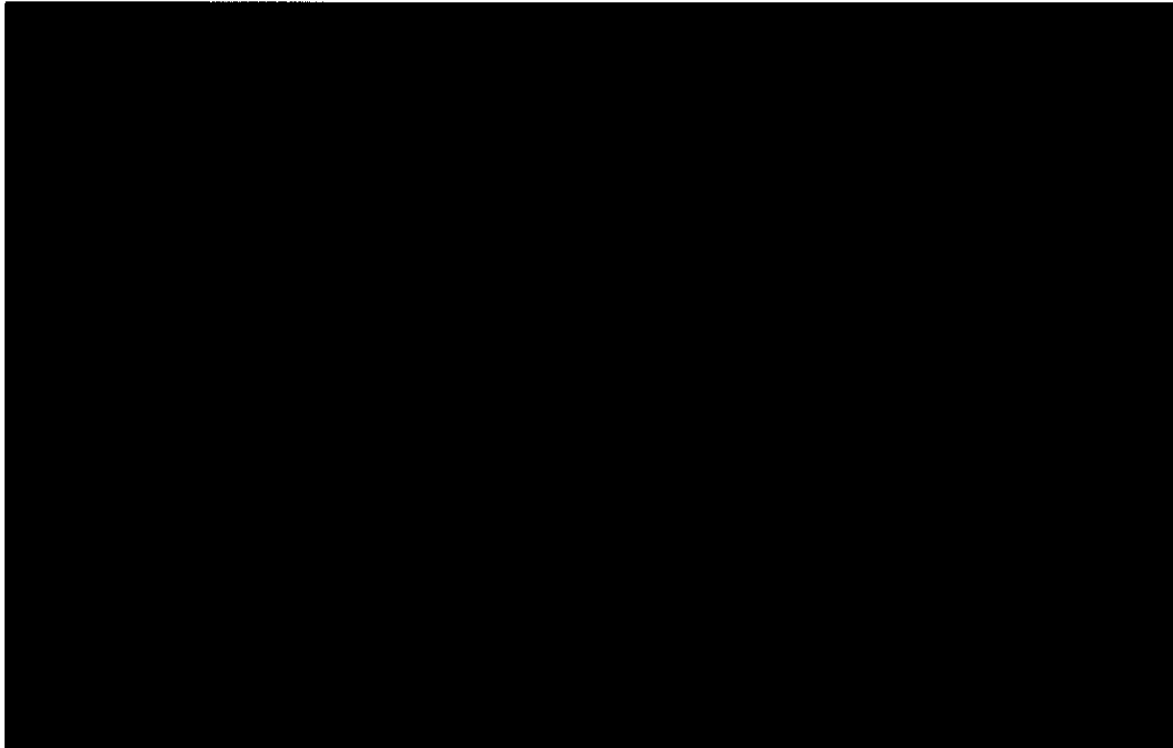
Dear General Kane:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in cursive script that reads "Jim Hood".

Jim Hood  
Attorney General

D000045

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Peter Kilmartin  
Rhode Island Attorney General  
150 South Main Street  
Providence, RI 02903

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

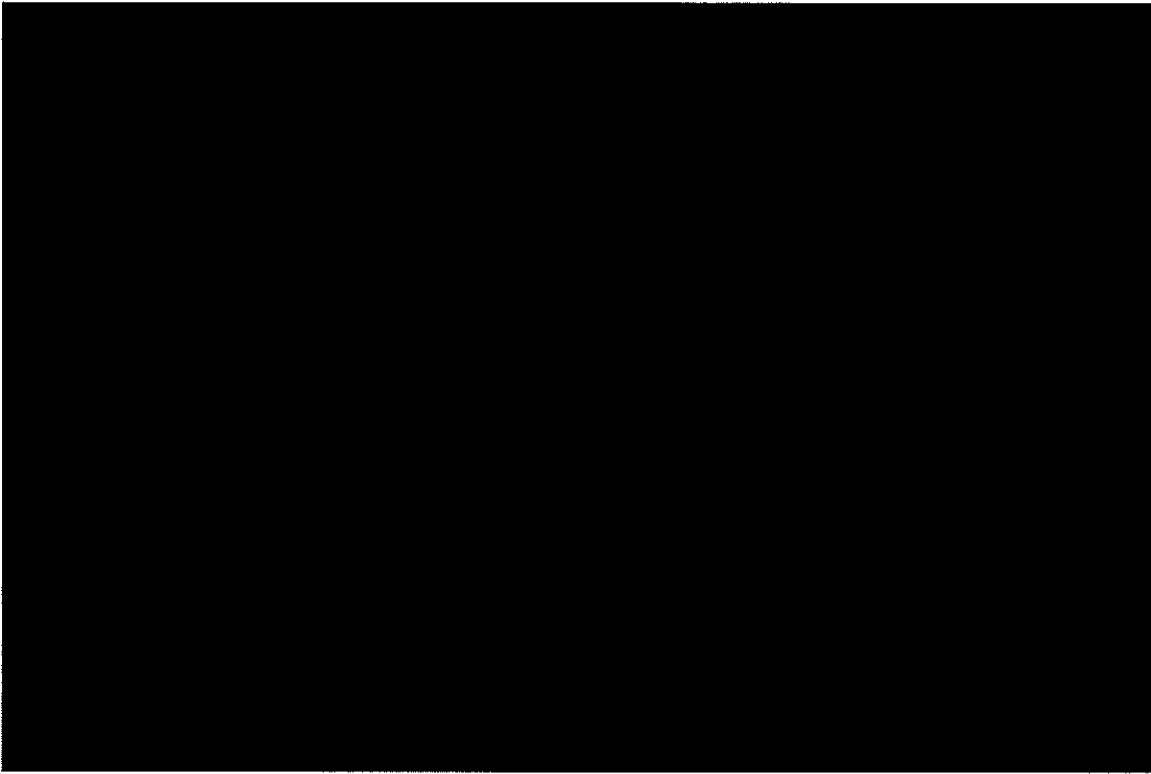
Dear General Kilmartin:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in cursive script that reads "Jim Hood". The signature is written in black ink and is positioned above the printed name and title.

Jim Hood  
Attorney General

D000047

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Marty J. E. Jackley  
South Dakota Attorney General  
1302 E. Highway 14, Suite 1  
Pierre, SD 57501-8501

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

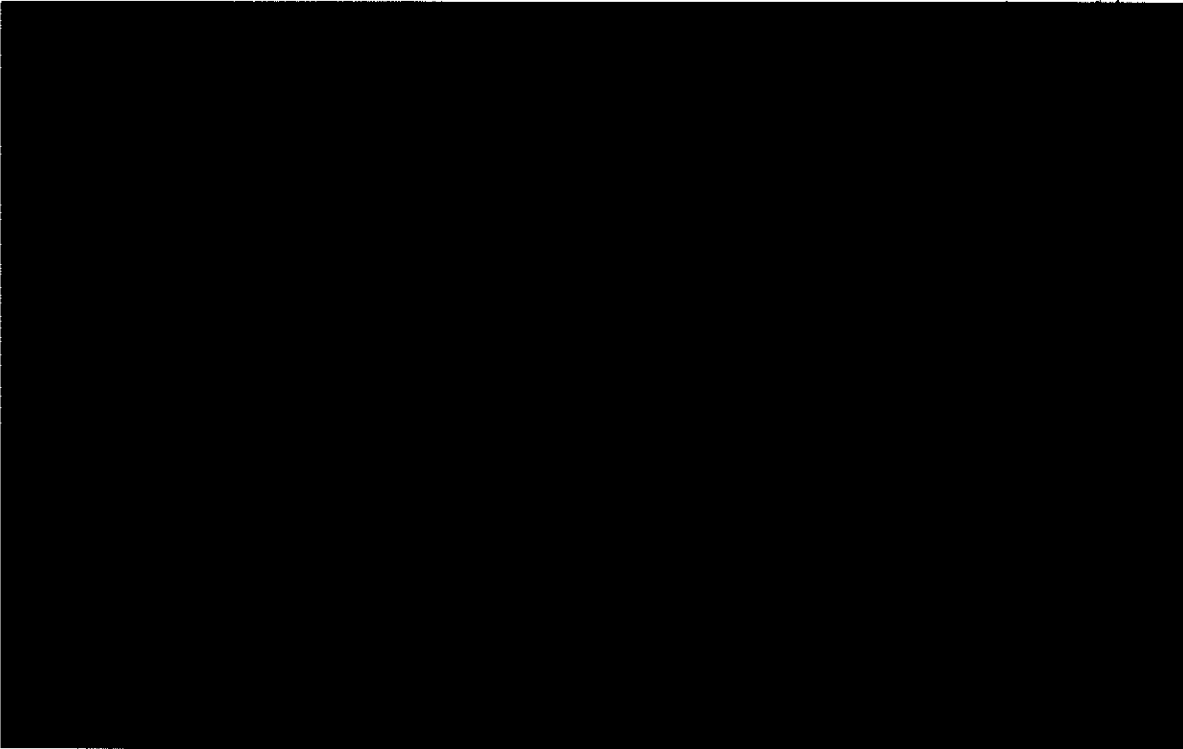
Dear General Jackley:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in cursive script that reads "Jim Hood".

Jim Hood  
Attorney General

D000049

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Robert E. Cooper, Jr.  
Tennessee Attorney General  
500 Charlotte Avenue  
Nashville, TN 37243

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

Dear General Cooper, Jr.:

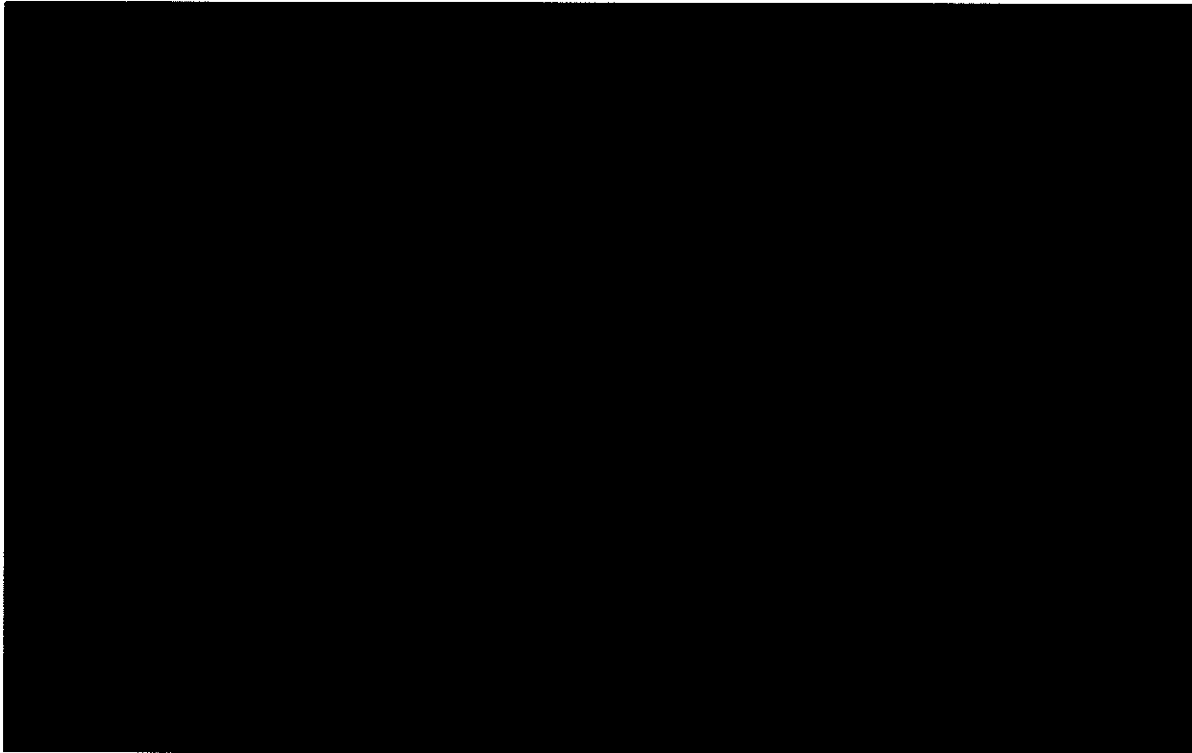
After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

YouTube provides selected "power" users basic information about what YouTube deems improper and then gives them access to the bulk flagger portion of the website for videos that may contain content that would be in violation of YouTube's policies. Trusted flaggers then tag (or flag) the content they feel meets that criteria. Once the suspicious videos are flagged by trusted flaggers, then the YouTube enforcement team reviews the video and assesses whether or not it violates YouTube's terms.

Based on our review, [REDACTED]

[REDACTED]





Sincerely yours,

A handwritten signature in cursive script that reads "Jim Hood".

Jim Hood  
Attorney General

D000051

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Greg Abbott  
Texas Attorney General  
Post Office Box 12548  
Austin, TX 78711-2548

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

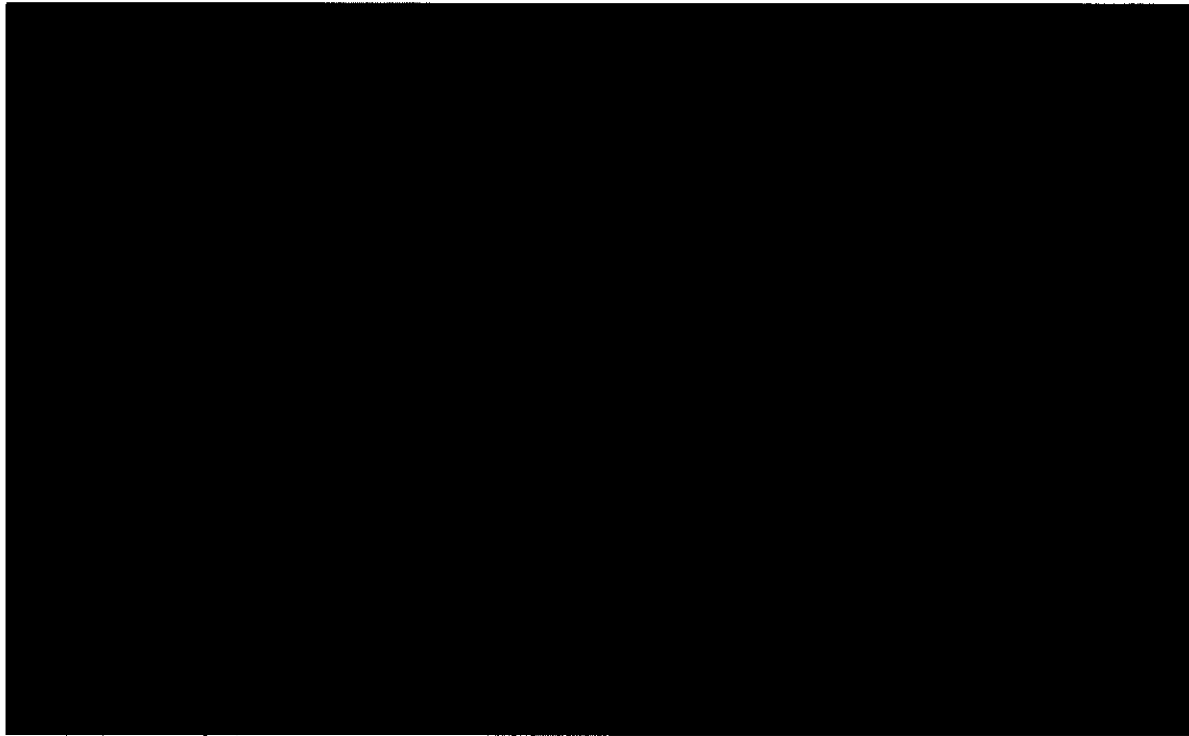
Dear General Abbott:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

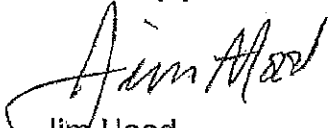
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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

  
Jim Hood  
Attorney General

D000053

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Sean Reyes  
Utah Attorney General  
State Capitol, Room 236  
Salt Lake City, UT 84114-0810

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

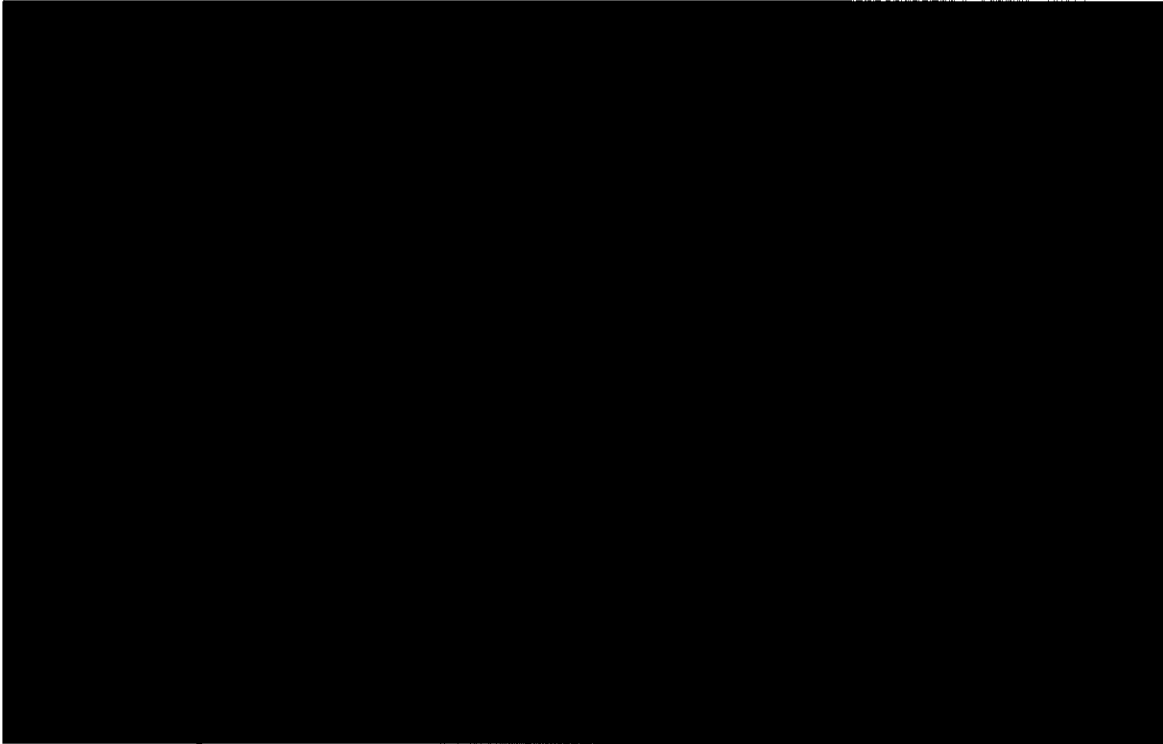
Dear General Reyes:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in cursive script that reads "Jim Hood".

Jim Hood  
Attorney General

D000055

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Mark Herring  
Virginia Attorney General  
900 East Main Street  
Richmond, VA 23221

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

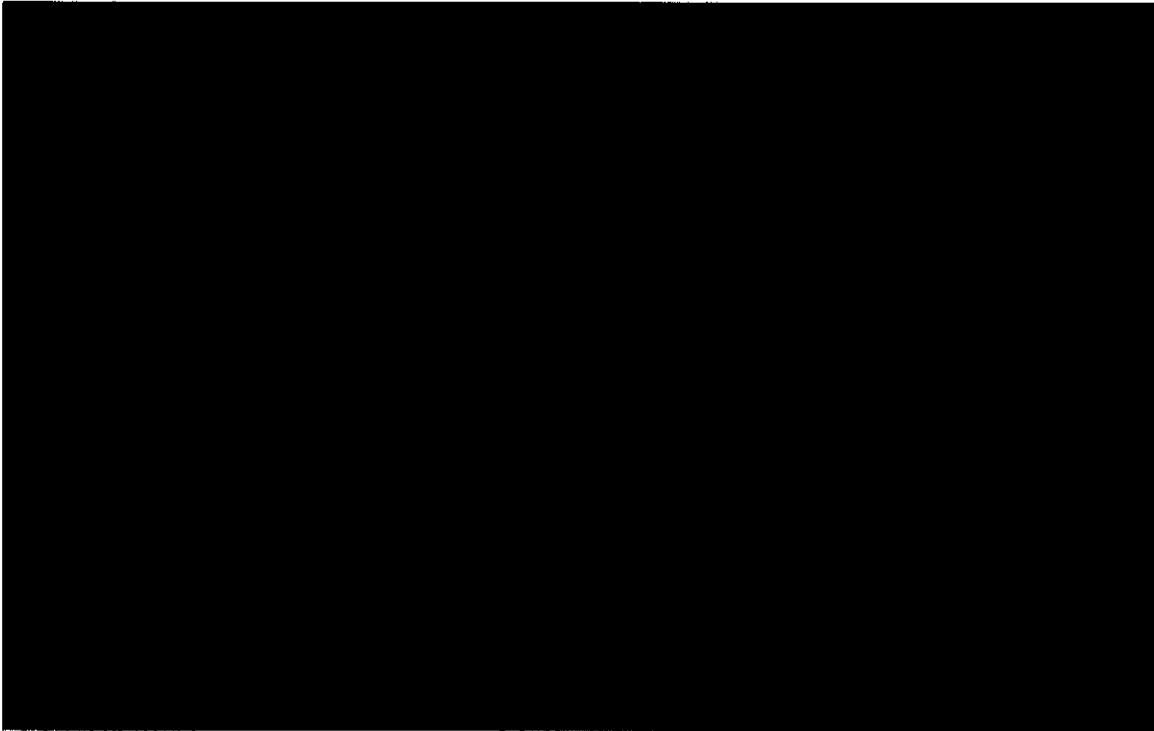
Dear General Herring:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in black ink, appearing to read "Jim Hood".

Jim Hood  
Attorney General

D000057

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable William Sorrell  
Vermont Attorney General  
109 State Street  
Montpelier, VT 05609-1001

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

Dear General Sorrell:

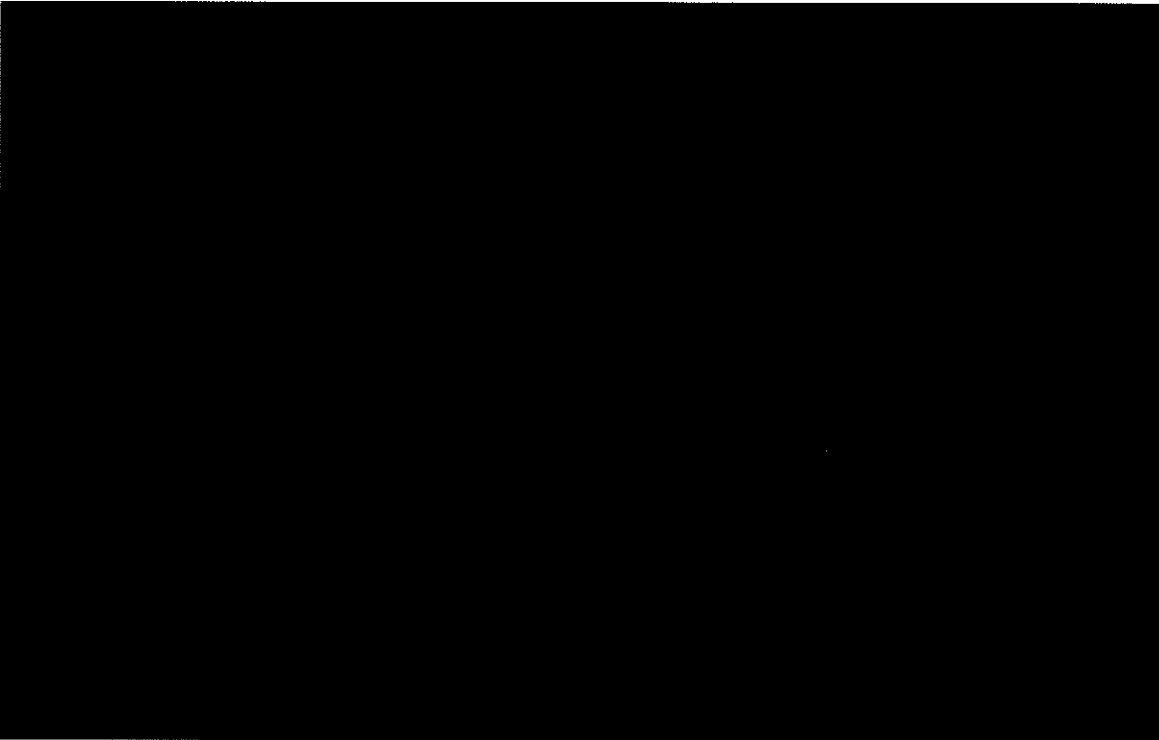
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Based on our review, [REDACTED]

[REDACTED]





Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim Hood", is written over the typed name.

Jim Hood  
Attorney General

D000059

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Bob Ferguson  
Washington Attorney General  
1125 Washington Street, SE  
Olympia, WA 98504-0100

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

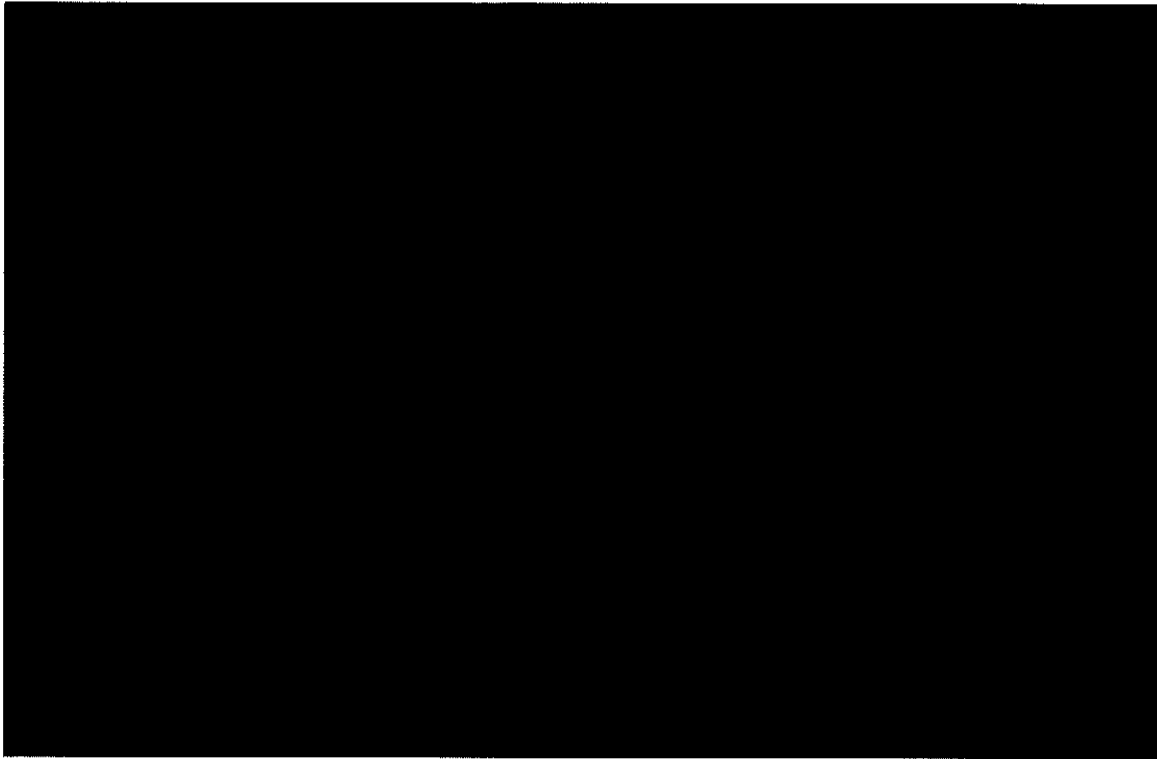
Dear General Ferguson:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in black ink, which appears to read "Jim Hood". The signature is written in a cursive, flowing style.

Jim Hood  
Attorney General

D000061

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Peter K. Michael  
Wyoming Attorney General  
State Capitol Building  
Cheyenne, WY 82002

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

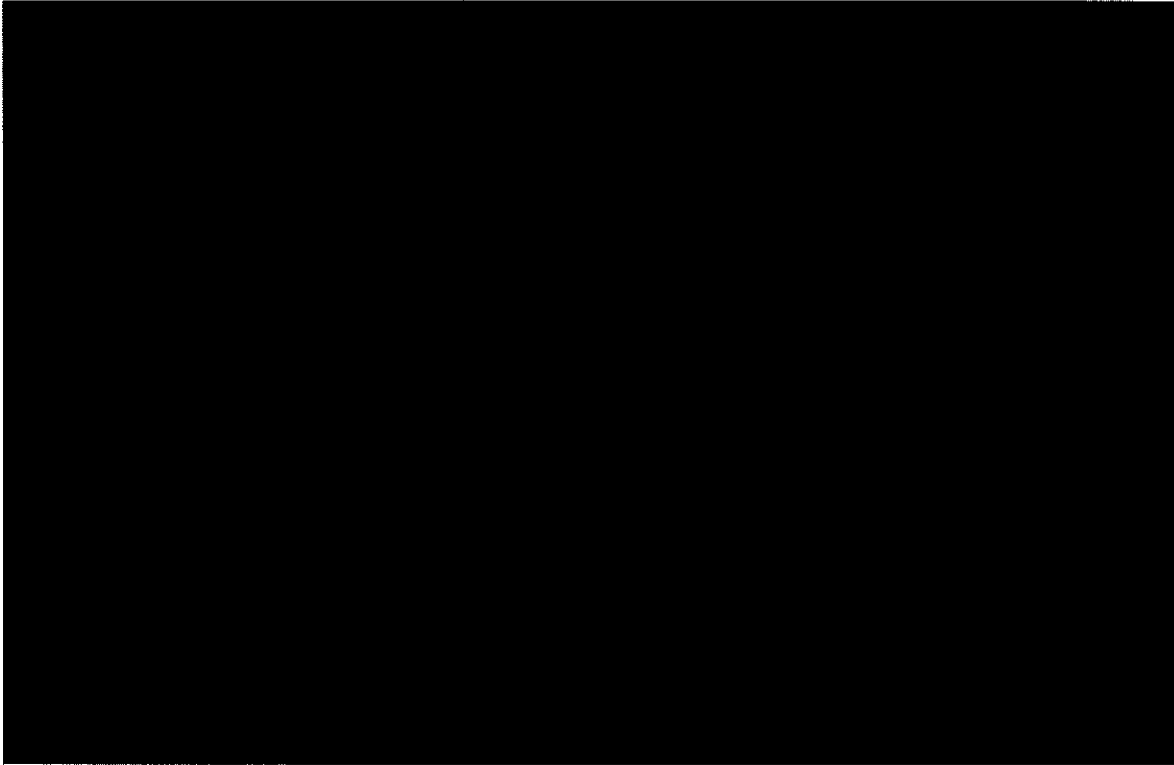
Dear General Michael:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.

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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

A handwritten signature in cursive script that reads "Jim Hood".

Jim Hood  
Attorney General

D000063

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

August 28, 2014

The Honorable Joseph Foster  
New Hampshire Attorney General  
State House Annex, 33 Capitol St.  
Concord, NH 03301-6397

Re: Formation of Google Working Group and Analysis of Google's Trusted Flagger Program

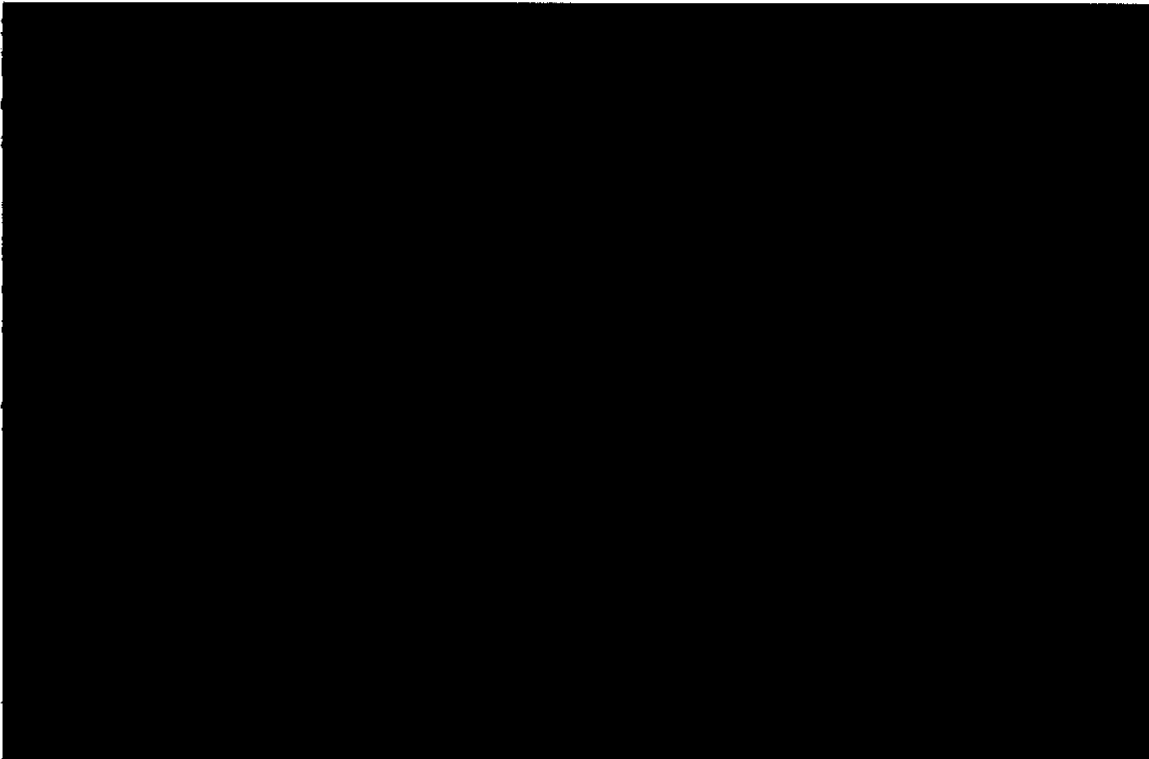
Dear General Foster:

After I and other attorneys general met with Google representatives at the NAAG winter meeting in Washington, D.C., regarding Google's online activities, Google offered to establish a "trusted flagger" program for our staff members to review YouTube videos and report videos that staff found to contain illicit content to YouTube for expedited review and removal. Over the summer, our investigators used and tested the trusted flagger program.


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Based on our review, [REDACTED]

[REDACTED]



Sincerely yours,

  
Jim Hood  
Attorney General

D000065

**IN UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**GOOGLE, INC.****PLAINTIFF****v.****CIVIL ACTION NO. 3:14cv981-HTW-LRA**

**JIM HOOD, ATTORNEY GENERAL  
OF THE STATE OF MISSISSIPPI,  
IN HIS OFFICIAL CAPACITY**

**DEFENDANT**

**FIRST SUPPLEMENTAL PRIVILEGE LOG FOR APRIL 15, 2015 DOCUMENT  
PRODUCTION**

<b>Name</b>	<b>Description</b>	<b>Date(s)</b>	<b>Author(s)</b>	<b>Recipient(s)</b>	<b>Privilege(s)</b>
PL000001- PL000067 <sup>1</sup>	Draft Subpoena (Request No. 1)	On or about Oct. 17, 2014 <sup>2</sup>	See footnote <sup>3</sup>	From Mike Moore Law Firm to Blake Bee, Special Assistant Attorney General with the Office of the Mississippi Attorney General	Attorney-Client  Work Product
PL000075- PL000119	Draft Subpoena (Request No. 1)	On or about Sept. 11, 2014 <sup>4</sup>	See footnote <sup>5</sup>	From Mike Moore Law Firm to Bridgette Williams, Special Assistant Attorney General with the Office of the Mississippi Attorney General	Attorney-Client  Work Product
PL000068- PL000074	Draft CID (Request No. 1)	On or about	See footnote <sup>7</sup>	From Orrick (Brian Moran) to Blake	Work Product

<sup>1</sup> “PL” denotes Privilege Log bates number series and “D” denotes Defendant Jim Hood’s bates number series for documents produced to Plaintiff.

<sup>2</sup> This date indicates the approximate date of receipt.

<sup>3</sup> On information and belief, this document was prepared by or at the direction of Tom Perrelli and/or Brian Moran.

<sup>4</sup> This date indicates the approximate date of receipt.

<sup>5</sup> On information and belief, this document was prepared by or at the direction of Tom Perrelli and/or Brian Moran.



		Nov. 26, 2013 <sup>6</sup>		Bee, Special Assistant Attorney General with the Office of the Mississippi Attorney General	
PL000120-PL000166	Draft CID (Request No. 1)	On or about April 22, 2014 <sup>8</sup>	See footnote <sup>9</sup>	From Orrick (Brian Moran) to Mary Jo Woods, Special Assistant Attorney General with the Office of the Mississippi Attorney General	Work Product
PL000167-PL000176	Draft Subpoena (Request No. 1)	On or about April 3, 2012 <sup>10</sup>	See footnote <sup>11</sup>	From Mike Moore Law Firm to Bridgette Williams, Special Assistant Attorney General with the Office of the Mississippi Attorney General	Attorney-Client Work Product
D000001	Email (Forward email from Attorney General Hood, which has been redacted) (Request No. 2)	Nov. 27, 2013	Attorney General Hood	From Attorney General Hood to the Mike Moore Law Firm and Special Assistant Attorneys General with the Office of the Mississippi Attorney General	Attorney-Client
D000004-D000065	Redacted Portion of Letters from Attorney General Hood	August 28, 2014	Attorney General Hood	Attorneys General in Other States	Work Product Common Interest Doctrine

<sup>7</sup> On information and belief, this document was prepared by or at the direction of Tom Perrelli and/or Brian Moran.

<sup>6</sup> This date indicates the approximate date of receipt.

<sup>8</sup> This date indicates the approximate date of receipt.

<sup>9</sup> On information and belief, this document was prepared by or at the direction of Tom Perrelli and/or Brian Moran.

<sup>10</sup> This date indicates the approximate date of receipt.

<sup>11</sup> On information and belief, this document was prepared by or at the direction of Jeff Modisett and/or Anthony Eliseuson (SNR Denton US LLP).

	(Request No. 3)				
PL000202- PL000222	Email with Legal Memoranda <sup>12</sup> (Request No. 4)	On or about January 14, 2014 <sup>13</sup>	See footnote <sup>14</sup>	From Orrick (Rob McKenna) to Blake Bee, Special Assistant Attorney General with the Office of the Mississippi Attorney General	Work Product
PL000223- PL000245	Email with Legal Memoranda <sup>15</sup> (Request No. 4)	On or about January 9, 2014 <sup>16</sup>	See footnote <sup>17</sup>	From Jenner & Block (Thomas Perrelli) to Blake Bee, Special Assistant Attorney General with the Office of the Mississippi Attorney General	Work Product
PL000177- PL000201	Email with Legal Memoranda <sup>18</sup> (Request No. 4)	On or about January 9, 2014 <sup>19</sup>	See footnote <sup>20</sup>	From Jenner & Block (Thomas Perrelli) to Mary Jo Woods, Special	Work Product

<sup>12</sup> The subject of the email is entitled “Draft memos.” The attachments listed on the email are as follows: “AG Memo 3 – Google Must Change Its Behavior”; “AG Memo 4 – CDA”; “AG Memo 2 – Google Can Clamp Down”; AG Memo 1 – Google Illegal Conduct.” The titles of the four legal memoranda are as follows: “Google Can Take Action to Stop Illegal Behavior”; “The Communications Decency Act Does Not Immunize Google From Liability For Facilitating Illegal Conduct”; “Google Must Reform Its Behavior”; “How Google Facilitates Illegal Conduct”.

<sup>13</sup> This date indicates the approximate date of receipt.

<sup>14</sup> The email with attached memorandum was sent from Rob McKenna. On information and belief, the documents were prepared by or at the direction of Tom Perrelli, Rob McKenna, and/or Brian Moran.

<sup>15</sup> The subject of the email is entitled “January Meeting.” The attachments listed on the email are as follows: “AG Memo 1 – Google Illegal Conduct”; “AG Memo 3 – Google Must Change Its Behavior”; “AG Memo 2 – Google Can Take Action”; “AG Memo 4 – CDA”. The titles of the four legal memoranda are as follows: “How Google Facilitates Illegal Conduct”; “Google Can Take Action to Stop Illegal Behavior”; “Google Must Reform Its Behavior”; “The Communications Decency Act Does Not Immunize Google From Liability For Facilitating Illegal Conduct.”

<sup>16</sup> This date indicates the approximate date of receipt.

<sup>17</sup> This email with attached memorandum was sent from Thomas Perrelli. On information and belief, the documents were prepared by or at the direction of Tom Perrelli, Rob McKenna, and/or Brian Moran.

<sup>18</sup> The subject of the email is entitled “January Meeting.” The attachments listed on the email are as follows: “AG Memo 1 – Google Illegal Conduct”; “AG Memo 3 – Google Must Change Its Behavior”; “AG Memo 2 – Google Can Take Action”; “AG Memo 4 – CDA”. The titles of the four legal memoranda are as follows: “How Google Facilitates Illegal Conduct”; “Google Can Take Action to Stop

				Assistant Attorney General with the Office of the Mississippi Attorney General	
D-000066-67	Redacted Portion of Retention Letter	June 29, 2012	Geoffrey C. Morgan, Chief of Staff	Mike Moore	Work Product

---

Illegal Behavior”; “Google Must Reform Its Behavior”; “The Communications Decency Act Does Not Immunize Google From Liability For Facilitating Illegal Conduct.”

<sup>19</sup> This date indicates the approximate date of receipt.

<sup>20</sup> This email with attached memorandum was sent from Thomas Perrelli. On information and belief, the documents were prepared by or at the direction of Tom Perrelli, Rob McKenna, and/or Brian Moran.

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

June 29, 2012

Mike Moore  
Mike Moore Law Firm, LLC  
10 Canebrake Blvd., Ste. 150  
Flowood, MS 39232

Dear Mr. Moore:

This letter confirms that the Mississippi Attorney General's Office ("Office") has retained the law firm of Mike Moore Law Firm, LLC ("MMLF") to assist in its investigation of whether Google's practices [REDACTED] violate the State's consumer protection laws ("Investigation"). The Office has made the decision to retain outside counsel for this investigation because of the significant resources and technical expertise required.

The Attorney General has the sole authority to decide whether and in what manner to proceed with the Investigation and whether and in what manner to pursue claims discovered during the course of the Investigation. The Attorney General will designate a member of his staff to monitor the Investigation and MMLF will keep the designated staff member fully informed and cooperate on all matters relating to the Investigation. Prior to initiating inquiries or demands of any persons or entities, the Attorney General's Office and MMLF will agree upon entities to be contacted and the Office will review, approve, and issue any subpoenas for documents or testimony.

MMLF recognizes that the Office has sole discretion to determine whether there have been violations of State law and whether to pursue any claims discovered as a result of the Investigation. If the Office decides to proceed with litigation, the Office will enter into a Retainer Agreement with MMLF. That Retainer Agreement will provide, among other things, for the payment of reasonable fees and expenses to MMLF from any recovery in this matter, which will include fees and expenses incurred during the Investigation.

WALTER SILLERS BUILDING • POST OFFICE BOX 220 • JACKSON, MISSISSIPPI 39205-0220  
TELEPHONE (601) 359-3660

Exhibit 3

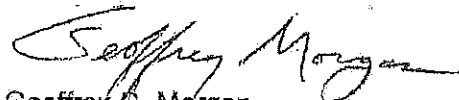
D-000066

Mike Moore  
June 29, 2012  
Page 2

In addition,

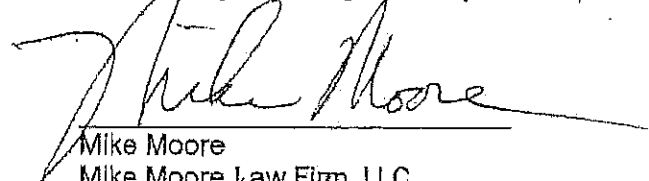
1. MMLF and its attorneys, Mike Moore, Lee Martin and Jonathan Compretta are hereby designated as Special Assistant Attorneys General to investigate and research possible claims in connection with the investigation. As such, MMLF is hereby deemed an "authorized employee of the Attorney General" and shall thereby be authorized to review any and all documents produced pursuant to Miss. Code Ann. Section 75-24-27.
2. MMLF will refer any press inquiries to the Office for its comment and response.
3. MMLF will maintain the confidentiality of all information and documents obtained during the course of the investigation.

Sincerely,

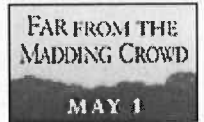


Geoffrey C. Morgan  
Chief of Staff

Acknowledged and agreed to by:



Mike Moore  
Mike Moore Law Firm, LLC  
Date: 6/29/12



**The New York Times** | <http://nyti.ms/1uQLqqE>

TECHNOLOGY

## Google's Detractors Take Their Fight to the States

By NICK WINGFIELD and ERIC LIPTON DEC. 16, 2014

They have lobbied state attorneys general. They have hired former state attorneys general. They have even helped draft a menacing letter for one state attorney general.

And they have given the target — Google — a code name: Goliath.

Google's detractors complain about the search giant to everyone they can, from raising concerns about the company's dominance with regulators in Brussels to antitrust officials in Washington. Now, they are taking the fight into states, often to push Google to censor illegal content and sites from search results.

The inner workings of those efforts are outlined in emails obtained by The New York Times through open records requests. Other details are contained in messages stolen from Sony Pictures Entertainment by hackers and obtained by The Times through an industry executive. Some of the emails from Sony have been reported by The Verge, a website.

Together, the emails show the extent of the efforts with state attorneys general. The messages detail how the Motion Picture Association of America — the Hollywood industry group — and an organization backed by Microsoft, Expedia and Oracle, among others, have aggressively lobbied attorneys general to build cases against Google in recent years, sometimes in complementary ways.

The movie association and its member companies, the messages show, have assigned a team of lawyers to prepare draft subpoenas and legal briefs for the attorneys general. And the groups have delivered campaign contributions — with several movie studios sending checks — to Jon Bruning, the Republican attorney general of Nebraska, who was helping push their cause, and who made an unsuccessful bid for governor this year.

Exhibit 4



State attorneys general have broad authority to investigate companies involved in practices that cause consumers harm. A year ago, Google paid a \$17 million fine — a tiny amount for the giant company — spread among more than 30 states after an investigation related to an accusation that it had violated the privacy of certain Internet users.

Mr. Bruning and Jim Hood, Mississippi's attorney general, who has become one of the most active officials against Google, say they are simply trying to enforce the laws in their states. They say Google, one of the most powerful companies of the Internet era, is dragging its feet on complying with their requests to filter illegal Internet pharmacies and other illicit content from its search results.

"These guys have profited from illegal activity that they promoted in their search engines for years," Mr. Bruning said on Tuesday. "There is a culture at Google of sell anything to anyone. By no means do they wear the white hat in this debate."

But as far as Google is concerned, the attorneys general, the film group and Microsoft have a similar interest: to interfere in Google's business. Movie studios have long complained that Google does not do enough to get rid of links to pirated film and television shows online. Illegal copies of their content on YouTube, a Google property, are another complaint.

By pushing the attorneys general to block illegal sales of pharmaceuticals on Google, the movie industry has concluded, they could use the same powers to curb the distribution of pirated goods. For Microsoft, any limits imposed on Google might help it improve the fortunes of its struggling search engine, Bing.

"As a trade association, our primary objective is to protect our members and their creative works — employing voluntary initiatives, policy solutions and legal actions," said Kate Bedingfield, an M.P.A.A. spokeswoman. "When wrongdoing is taking place online, we work with and support appropriate law enforcement officials, including the attorneys general, as do many other industries."

Google insists that it has cooperated by removing some objectionable content. In a February letter that Kent Walker, general counsel of the company, sent to attorneys general, he said that it had spent over \$250 million during the last three years on policy enforcement and systems that help it remove illegal content from its search index. But Google has said it does not believe it is appropriate for it to completely remove from its search results many of the sites to which the prosecutors object.

"It is our firm belief that Google should not be the arbiter of what is and is not legal on the web — that is for courts and government to decide," he said in the email, which was obtained from open records requests.

Google's foes have found a particularly receptive official in Mr. Hood, a folksy Democrat who grew up in northern Mississippi. In late October, Mr. Hood issued a 79-page subpoena to Google, asking for records related to its advertisements and search results for controlled substances, fake IDs and stolen credit card numbers.

For months before that, a steady flow of letters from Mr. Hood to Google indicated his distaste for the company. One letter came with digital fingerprints suggesting that it had originated at a law firm, Jenner & Block, that represents the M.P.A.A.

"In my 10 years as attorney general, I have dealt with a lot of large corporate wrongdoers," one of his letters from November 2013 read. "I must say that yours is the first I have encountered to have no corporate conscience for the safety of its customers, the viability of its fellow corporates or the negative economic impact on the nation which has allowed your company to flourish."

The movie industry, through a nonprofit group it funded called Digital Citizens Alliance, picked the perfect lobbyist to squeeze Mr. Hood: Mike Moore. Mr. Moore was Mr. Hood's predecessor as Mississippi attorney general and helped start Mr. Hood's political career. He remains a close friend of the attorney general and travels with him frequently; he has even played a role in helping Mr. Hood get elected as the president of the National Association of Attorneys General, emails obtained by The Times show.

Mr. Moore, in an interview, said he was working pro bono to advise Mr. Hood on how to combat the illegal sale of drugs online. He was then hired, for a fee he would not disclose, by the Digital Citizens Alliance in a similar post. Mr. Moore then became a critical source for the movie industry, according to one email, telling them how Mr. Hood's inquiry was progressing and even alerting industry executives that Google had been sent a subpoena — before it said it had been told.

Peggy Lautenschlager, who served as attorney general in Wisconsin, said that the role that the movie industry had played in pushing Mr. Hood, through Mr. Moore and others, was inappropriate. "A private interest is influencing some attorneys general's offices," she said. "Tragically, that is how the world operates nowadays."



Mr. Hood and Mr. Moore said their actions were motivated by wrongdoing by Google, not by any pressure from the movie industry or Microsoft. The Digital Citizens Alliance said it had been public about pushing Google to clean up its search results. Microsoft, which among other efforts has supported FairSearch, a group pushing attorneys general, declined to comment.

“I don’t think there is any secret that there is a group of interested industry people who have a problem and they are concerned about how Google is doing their business,” Mr. Moore said in an interview. “But frankly, Attorney General Hood, and seven or eight others, are concerned about drugs, about child pornography and illegal steroids.”

The groups have also done more than write letters to attorneys general. Executives from the M.P.A.A., for example, urged the group’s members to donate \$1,000 each to Mr. Bruning’s campaign for governor in Nebraska.

The plea coincided with a fund-raising event for Mr. Bruning in March at Microsoft’s offices in Washington. Campaign finance records show that donations came in from Paramount Pictures, Sony, 21st Century Fox, as well as other movie industry players, each for exactly \$1,000.

Mr. Bruning said that he did not solicit the donations, and that they did not influence him.

Mr. Hood’s office did not respond to specific questions about his use of a letter apparently prepared by a movie industry executive as a draft for a warning he sent to Google, or about the role Mr. Moore had played in lobbying his office. But Mr. Hood said in a statement that his office accepted help from outside companies as it investigated wrongdoing.

“If they have expertise to help us catch the bad guys, we gladly accept their help,” his office said. “Google has put their profits ahead of the safety of children and families and this office will continue to fight them with all the expertise at our disposal in an effort to protect the people of Mississippi.”

A version of this article appears in print on December 17, 2014, on page B1 of the New York edition with the headline: Detractors of Google Take Fight to States.



READY  
TO  
*Wear*

Love is in the Wear!  
Enter for a chance to win a year's supply  
of Double Wear Makeup & more. ▶

ESTÉE LAUDER  
RENT THE RUNWAY

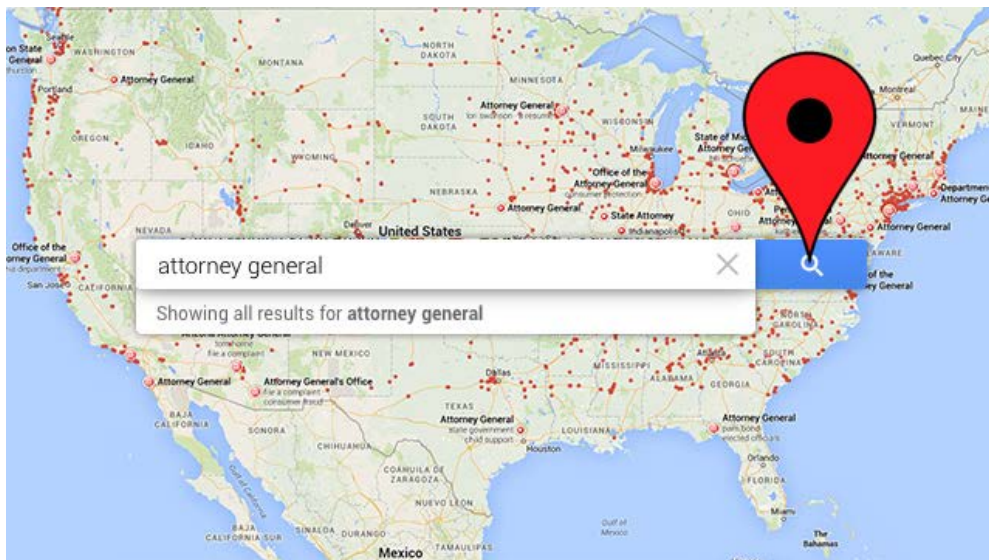
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## Hollywood v. Goliath: Inside the aggressive studio effort to bring Google to heel

Leaked Sony e-mails show states' top lawyers and studios are closer than ever.

by Joe Mullin - Dec 19, 2014 7:17pm EST



Aurich Lawson/Ars Technica

Tensions between Google and Mississippi Attorney General Jim Hood exploded into public view this week, as [Google filed court papers seeking to halt a broad subpoena](#) Hood sent to the company.

The Hood subpoena, delivered in late October, didn't come out of nowhere. Hood's investigation got revved up after at least a year of intense lobbying by the Motion Picture Association of America (MPAA). E-mails that hackers acquired from Sony Pictures executives and then dumped publicly now show the inner workings of how that lobbying advanced—and just how extensive it was. Attorneys at Sony were on a short list of top Hollywood lawyers frequently updated about the MPAA's "Attorney General Project," along with those at Disney, Warner Brothers, 21st Century Fox, NBC Universal, and Paramount.

The e-mails show a staggering level of access to, and influence over, elected officials. The MPAA's single-minded obsession: altering search results and other products (such as "autocompleted" search queries) from Google, a company the movie studios began referring to as "Goliath" in around February 2014. The studios' goal was to quickly get pirated content off the Web; unhappy about the state of Google's voluntary compliance with their demands and frustrated in their efforts at passing new federal law such as [SOPA](#) and [PIPA](#), the MPAA has turned instead to state law enforcement.

The most controversial elements of SOPA/PIPA would have let content owners effectively shut down websites they said were infringing their copyrights or trademarks. This already happens—think of various peer-to-peer sites that no longer exist—but it usually involves drawn-out litigation. SOPA

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promised a faster-moving process that would have essentially made rights holders a website's judge, jury, and executioner.

To get the same results in a post-SOPA world, MPAA has hired some of the nation's most well-connected lawyers. The project is spearheaded by **Thomas Perrelli**, a Jenner & Block partner and former Obama Administration lawyer. Perrelli has given attorneys general (AGs) across the country their talking points, suggesting realistic "asks" prior to key meetings with Google. Frustrated with a lack of results, Perrelli and top MPAA lawyers then authorized an "expanded Goliath strategy" in which they would push the AGs to move beyond mere letter writing. Instead, they would seek full-bore investigations against Google.

If the AGs felt short on resources—well, Hollywood studios could help with that. Money from Sony and other Big Six studios was available to draft the actual subpoenas, to research legal theories to prosecute Google, to spread negative press about the search giant, and to reach out to other state AGs that might join with Hood.

This is how the project unfolded over the past year.

### Late 2013: Ramping up

One chain of e-mails among the MPAA and studio lawyers bears the subject line "STATE ATTORNEY GENERAL PROJECT" and focuses on how Google could be pressured into altering its search results, demoting or removing so-called "rogue sites" that host high levels of copyrighted content.

Most notes on the project came from Vans Stevenson, the MPAA's VP of state legislative affairs; higher-level updates were written by MPAA general counsel **Steven Fabrizio** or took the form of memos written by Perrelli. Most information about the AG project was shared with a group of more than 30 lawyers, including several from the MPAA and RIAA, as well as each of the six big studios, but some were kept to just general counsels and their immediate confidantes.

"[Attorney] General Hood told me by e-mail today that his conversation 'with Google's General Counsel did not go well,' and therefore he followed up with the letter that was sent yesterday," Vans Stevenson informed the group in November 2013. "Hood also said he was organizing a meeting during the NAAG [National Association of Attorneys General] meeting next week in New Orleans with his outside counsel Mike Moore, former MS Attorney General. Also attending that meeting will be MPAA/RIAA outside counsel Tom Perrelli and others, 'so we can discuss the next move,' Hood wrote.... I will keep you advised of further developments."

The e-mail includes a letter from Hood to Google general counsel Kent Walker. It was **published earlier this week** by *The New York Times*, which reported that most of the letter was actually written by Perrelli's law firm.

Several weeks later, a meeting took place between Google executives and Connecticut Attorney General George Jepsen. The same morning the meeting took place, MPAA's Perrelli was informed about it by two attorneys at the AG's office, who offered to send Google's presentation to Perrelli. Jepsen reached out to the MPAA, seeking demands that he could press against Google. Perrelli wrote:

I talked this morning with the CT AG's office [names redacted] about their meeting with Google. They indicated that it was purely a listening meeting, where Google went through the "standard" presentation of all the things that it does to protect privacy and stop unlawful conduct. They are going to send me the presentation that Google did and asked that we come up and give them a "rebuttal" at some point in the next few weeks (likely the first half of February)...

They told me that AG Jepsen is interested in this area and wants to see if there is something reasonable and practical that he can do to be helpful. They understand the concerns that we have and largely agree with them, but want to be cautious here (consistent with the temperament of their boss). He is not afraid to tangle with Google, as he has on antitrust, but his approach is to look for a small number of reasonable things to demand of them and then to press them hard on it. They asked that we not "shoot the moon" on our asks.

I went through our issues and concerns and emphasized that the asks that we have are really things that Google has demonstrated it can do when it feels like it. I am going to send them the



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Perelli attached four Microsoft Word files to his update, entitled "Google can take action," "Google must change its behavior," "Google illegal conduct" and "CDA."

## January 2014: Creating Google “asks”

On January 21, 2014, Google's Kent Walker met with 13 state attorneys general who wanted to know more about what Google could do to demote or delete pirated content from its search results. For the MPAA, it was a pivotal moment.

Before the meeting, Mississippi's Hood had already made clear he was going to push his counterparts in other states to take stronger action over movie piracy. He called Stevenson at the MPAA, asking for "fresh examples for his planned live 'search' demonstration of illegal site activity, including the availability of motion pictures only in theatrical release," according to an update Stevenson sent the group.

By the time the AGs meet with Google, they and their staffs had been heavily prepped by Perelli. In the early morning of January 21, Perelli shared some of the impressions from those prep meetings:

- 1) The AGs are going to start the meeting by saying that they are frustrated that Google has not acted; they have had much better success engaging with Facebook and eBay, but feel Google is non-responsive. They want real change at Google that will stick – not just change that lasts for a short time after immense pressure is put on them.
- 2) The AGs are struggling with their asks. They understand that Google is likely to offer a few morsels, they know it won't be sufficient, but they are unsure how to demand more. Some want to move to CIDs [civil investigative demands, like a subpoena], but I think the majority want to set a short date for some substantial change on a number of fronts (Search, YouTube, Autocomplete). I went over their likely asks again, but encouraged them not to commit to anything with Google in the meeting.
- 3) I walked away from these meetings thinking that we need to develop a different presentation for the AGs – how Google works. There was a real lack of understanding about Google, its services, its interactions with websites, etc. They don't need more about the bad stuff you can get on the Internet; they need to understand better how Google makes money...
- 4) I spent more time with Hood after the meeting and, I hope, got him focused on the key issues and the asks. He really does care a great deal about piracy – and he doesn't get sidetracked by some of the things that Microsoft prefers. He wants Google to delist pirate sites and he is going to ask them to do that tomorrow...
- 6) [Former Washington State AG] Rob McKenna was very helpful– and I talked to some of his clients at Microsoft and my take is that they are not particularly concerned about our advocacy on search. They see the bigger picture.

Later that day, Stevenson sent a report on the meeting. For more than two hours, led by Mississippi AG Hood, the AGs had confronted Google's Walker about the desired issue: "websites devoted to illegal IP activity." They challenged Walker to "delist and block those websites," wrote Stevenson. Google countered that it did not in fact know that every site on the MPAA hitlist was in "devoted to illegal IP activity" but that it took action when this was clear. This did not go over well with either the MPAA, which continued to lobby the AGs to take action. As Stevenson put it after the meeting:

Our counsel Tom Perelli and I spoke this evening. We will organize an outreach to all AGs and deputies that attended the meeting in person, as well as participated by phone, to get a more complete picture of the meeting and their feedback. Perelli will also follow-up with AG Hood regarding the planned letter to Google and offer assistance.

It would take time, but this continued attention to Hood in particular did pay off.



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**Joe Mullin** / Joe Mullin has covered the intersection of law and technology — including the world's biggest copyright and patent battles — for a number of years, mostly at The American Lawyer.

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